

Deceased &c
England &c. Queen
AN
ARGUMENT

To PROVE, That the

XXXIXth Section of the Lth CHAPTER

OF THE

STATUTES

GIVEN BY

Queen ELIZABETH

TO THE

University of CAMBRIDGE,

INCLUDES THE

OLD STATUTES, of that UNIVERSITY: And,
That all those OLD STATUTES are not Repealed by
the STATUTES of Queen ELIZABETH.

Together with an ANSWER to the ARGUMENT: And
the Author's REPLY to that ANSWER.



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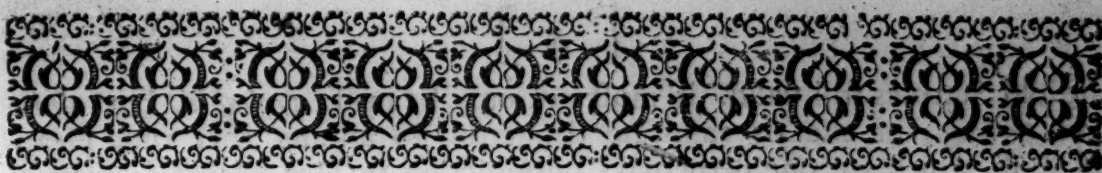
OLD STATUTES of the University: And
That all those Old Statutes are not Repealed by
the Statutes of Queen ELIZABETH.

Together with an Answer to the Arguments And
the Answer's Reply to that Answer.

By
JOHN
WILKINS

LONDON:

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A N

ARGUMENT

To PROVE,

That the XXXIXth Section of the Lth CHAPTER

O F

Queen *Elizabeth's* STATUTES, &c.

PREAMBLE to the ARGUMENT.



SOME Doubt having arisen, whether the Words, in Chapter the Fiftieth, of Queen *Elizabeth's* Statutes, viz. *Statuta omnia Compositiones & Consuetudines, quæ Scripturis sacris, Institutis nostris aut istis Statutis adversari videbuntur, abrogata & rescissa sunt, reliquis suo robore permansuris*, do relate to the Statutes, &c. of the University, or to those of particular Colleges; and if to the latter, whether the old Statutes, &c. of the University, are at present of any Force or Authority, or not: It is submitted, whether the following Reasons do not make it probable, that these Words are to be understood principally, if not solely, of the Old Statutes, &c. of the University; and, consequently, that such of them, as are not repealed by Queen *Elizabeth's* Statutes, are still in Force.

A N S W E R.

I. **T**HE ingenious and learned Gentlemen, that drew up this Argument, think their following Reasons make it *probable*, &c. an Expression that comes short, and rises not up to the Debate: For that Section, *Statuta omnia*, &c. being the sole Pretence made use of to prove

the old Statutes still valid, it must not only be made *probable*, but *plain* and *certain*; or else 'tis rash and dangerous to assume that rude Heap of Stuff, which are one perpetual Contradiction to Her Majesty's System of Statutes; which System she declares *Her Hope*, that it is *accurately absolute* and *perfect*. *Vide* Preamble to Her Statutes.

II. The Gentlemen hope to prove, that *Statuta omnia* means *principally*, if not *solely*, the Old Statutes. What this means, is hard to conceive: The same Clause cannot have two Senses, *Private College Statutes*, and *Publick Old Statutes*, one so wide and distant from the other. All Her Statutes have one certain determined Sense; so that if this Clause does not relate *solely* to the Old Statutes, it relates not to them at all, neither *Principally*, nor in the least Part.



ARGUMENT I.

FIRST, there is an evident Transition from the proper Business of the said Fifthieth Chapter, *viz. De Ordinationibus Collegiis præscriptis*, to some general Rules, that concern the Observation and Interpretation of Queen Elizabeth's Statutes, beginning at Paragraph 37. See *Appendix* to the Argument, No 1. and continu'd in 38 and 40; which makes it more natural to suppose that this Paragraph under Consideration (which is the 39th) was intended to relate to the Statutes of the University, rather than to those of particular Colleges. Not to mention how much more applicable the Words *Compositiones* and *Consuetudines* are to the University, than to particular Colleges. Besides, it may admit of some Doubt, whether Queen Elizabeth had Authority to make so peremptory a Declaration concerning the Statutes of particular Colleges.

ANSWER.

I. **T**HIS imagined *Transition* is not made *Evident*, nor Visible in this Argument, but the Reader is remitted to the Statute Book, to read those 37, 38, 39, 40 Sections, and to discover that Transition. Few Readers are possess'd of the Statute Book, so that we are oblig'd to be somewhat prolix, while we endeavour to make it clear, that there is no such *Transition*.

II. The

II. The Fiftieth and last Chapter bears its Title, *De Ordinationibus Collegiis præscriptis*, and makes in Bulk a sixth Part of the whole *Corpus* of the Queen's Statutes. In this Fiftieth she prescribes Rules and Laws to all Members of Colleges, to Masters, Presidents, Fellows, Scholars, Pensioners, Lecturers, Tutors, Bursars, Stewards, Registers: She appoints the Time and Manner of Sacraments, Publick Prayers, Sermons, Problems, Disputations, Common-Places, Admissions, Expulsions, Feasts, Dirges, Commemorations, &c. and after she has controuled the Statutes of private Colleges in all these Particulars, that she might not seem to null and invalidate all their Statutes in gross, she very opportunely and graciously adds this 39th Section in the Close of all, *Statuta omnia, Compositiones & Consuetudines, quæ Scripturis sacris, Institutis nostris, aut istis Statutis, adversari videbuntur, abrogata & rescissa sunt, reliquis suo robore permansuris.* Which Words we thus paraphrase: " Though in this Fiftieth Chapter, we have superseded the Statutes of private Colleges in so many Instances, and have ordered a Compliance to these our Injunctions; yet the rest of their Statutes shall continue *suo robore*, in their own Force, as each Founder has given to them, whether made alterable by appointed Visitors, as in some Colleges; or declared unalterable, as in others: Provided they do not thwart the Holy Scriptures (for most of them were made in Times of Popery) nor these our Injunctions to all Colleges, nor these our Statutes to the University."

III. *Statuta omnia*, we here interpret all Statutes of Colleges, as the very Title of the Chapter directs us, which declares they are *Prescriptions to Colleges*: And where-ever, in this long Chapter, the Word *Statuta* without Epithet occurs, it means always *College Statutes*; where-ever it comes with an Epithet, as *His, Iisdem, Prædictis Statutis*, it means the University Statutes, then given by her Majesty. So in Section 5. of this Chapter, *Socii matutinis horâ quintâ precibus intererunt, sub pœnâ quæ in Statutis constituta est, viz.* " In the Statutes of the several Colleges." So Section 7. *Collegia singula singulis diebus Veneris Problemata per Statuta illis aliis diebus assignata, &c.* And Section 27. *Licebit Magistris Collegiorum omnes illas pœnas exercere, quas aliquis Officiariorum illius Collegii per STATUTA ejusdem Collegii imponere possit.* If *STATUTA*, nude & absolute positum, in all other Sections of this Chapter means *Statutes of Colleges*, no doubt but in this 39th Section it has the same Meaning.

IV. But the Gentlemen object, that the *Transition*, in Section 37, 38, 40. from College Business, to proper Business of the University, makes it more natural to suppose, that *Statuta omnia*, in the 39th, means the Old Statutes. This first Argument seems conscious of its own Weakness, when

it

it says *natural to suppose*, instead of what it ought to say, or say nothing, *necessary to conclude*. This Transition, or Deviation from the Title of the Chapter, is so far from being *Evident*, that he that reads those 3 Sections without Prejudice, will pronounce, that there is no such Transition at all there. The 37th and 38th speak about *Mulcts* how they are to be divided, and whence raised. And is not this College Business? These *Mulcts* are to be paid out of Colleges, and not out of the University Chest. The Bursars of the several Colleges are to pay them to the Beadle. Where then should these Two Sections be plac'd, but in this 50th Chapter, which prescribes to Colleges?

V. And so the 40th Section is no Transition from the Title of the Chapter, but stands in its proper Place. *Si quid dubii in istis Statutis & Sanctionibus nostris oriatur*, &c. Where, since *Statutis* means the Statutes to the University, and *Sanctionibus* these Injunctions to Colleges; this Section, made to resolve Doubts in each of them, where should it be plac'd but at the Conclusion of them both?

VI. But to put it out of Doubt, that it is not only *natural to suppose*, but *necessary to conclude*, That *Statuta omnia*, in this 39th Section, means the Statutes of Private Colleges; let us consult her former Body of Statutes given in the First of Her Reign, yet remaining in our Archives, and mentioned by Herself, in the Preamble to the latter Body of Her Statutes (now alone in Force) in the Twelfth of Her Reign. In that Preamble she declares, that she gave at first the best Rules, that *pro tempore*, could be made; but now, in Twelve Years time, she perceiv'd some few Things in the former wanted altering, and that some new Ones were to be added: And besides that, she has sometimes changed the Order. Now in the former Body, the Injunctions to the Colleges begin thus;

INJUNCTIONES Collegiis Præscriptæ.

1. *Problemata Theologica observentur — & Decanus constituatur, qui Moderator sit, & Mercedem certam a Collegio, ad id propositam habeat.*
2. *Nemo Grammaticam ullo in Collegio doceat, &c.*
3. *In singulis Collegiis Magister, Decanus, &c.*
4. *Nullus Seneschallus, aut Bursarius, aut hujusmodi, &c.*
5. *STATUTA OMNIA, & Compositiones, Quæ contra Scripturam Sacram, aut Regia instituta aliquid faciunt, abrogata sunt.*

VII. Here

VII. Here the 5th Section, which in Words and Meaning is the same with the 39th Section under Debate, being surrounded, inclosed, and wedged in, with the prior and subsequent Sections, all relating to College Affairs, does necessarily evince, That *Statuta omnia*, then meant only College Statutes, without any Help or Hope from a pretended Transition: It follows therefore, that the same Words *Statuta omnia*, tho' not plac'd in the same Order, yet have now the same Meaning, *College Statutes*: *Quod erat Demonstrandum.*

VIII. The whole Dispute is decided here, and no more needs to be added: But out of Respect to the very worthy Gentlemen that have drawn up this Argument, the remaining Articles shall be fully considered.

IX. They proceed and say, " That the Words *Compositiones* and *Consuetudines*, are much more applicable to the University, than to particular Colleges. " Strange Assertion! much more applicable to the University? Not only less, but not at all applicable. That the Words agree to Colleges is plain, The latter Word *Consuetudines*, even Her Majesty applies to Colleges, Stat. XIX. *Juxta singulorum Collegiorum Statuta & Consuetudines*: And the other Word *Compositiones* does necessarily relate to Colleges. The University cannot make Compositions with itself. A Composition supposes Two Parties at least. There is now a Composition between the University and King's College; another with Trinity; and more such may be made by Posterity. So between two Colleges, as Trinity and Sidney, for the Site of Sidney College. *Consuetudines*, therefore, may relate to Colleges, and *Compositiones* must needs relate: Which is another Demonstration, that *Statuta omnia* mean *College Statutes*.

X. The Gentlemen go on and say, *That it may admit of some Doubt, whether Queen Elizabeth had Authority to make so peremptory a Declaration concerning the Statutes of particular Colleges.* What shall we say to these feeble Expressions? *May admit*, potentially, but not actually; *some Doubt*, but not hinted how inconsiderably small. The Queen's Authority is not now under our Debate, but her Meaning. And yet a Man must be endow'd with a great Alacrity for Dubitation; that can doubt of Her Authority. A private Founder may give away an Estate for Charity, and good Education; and may make Rules and Injunctions for his Alms-house: But to make that Alms-house a College or Corporation, he must apply to the Royal Power. Private Colleges therefore, as Corporations, subsist by the Royal Favour; and then the University, a general Corporation, made up of Sixteen Private Ones, is totally a Creature of the Crown. And this general Incorporation being a free Gift, the Crown might put to it what Terms and Conditions were thought fit; as that all Private Colleges should comply

comply with the general Injunctions: And this was thankfully accepted by all.



ARGUMENT II.



SECONDLY, As this is the most obvious, so it has been the received Sense of the Words, as appears from the Old Statutes having been so carefully preserved; and from the constant Practice of the University in many Instances, which has no other Foundation than the Authority of the Old Statutes: *v. g.*

In the Oaths taken at the Admissions to all Degrees in general, which have some Passages common to them all, that are no where to be found but in the Old Statutes. See (*Appendix N^o II.*) Pages 13, 16 *ad finem*, 31, 38, *ad finem*, and 59 of the Statute Book in the Regent-House; and particularly in that taken by *B. D's.* See 56 Page *ibidem*; by *M. A's.* 46 Page; *L. L. B's.* 53 Page; and by *M. B's.* See Page 51, *ibid.* In the Vice-Chancellor's Resignation of his Office, See Page 7. In Exercise falling on Account of a Congregation, See Page 6. *ibid.* And in several other Cases that need not be mentioned.

ANSWER.

I. THAT *Statuta omnia*, in the most obvious Sense, mean the Old Statutes, we cannot concede: That Sense cannot be the most Obvious, which is demonstrably a false one, as we have proved already. And to say that a false Sense, has for so many Generations past been the received Sense, is no Compliment to our Predecessors. But whence does it appear that it has been the received Sense? From the Old Statutes having been so carefully preserved. A mighty Argument indeed! because some old Vellum was kept, and not given to Gold-Beaters, or to Taylors, therefore the Old Statutes written on it were thought then to continue in Force. In Trinity College the Statutes of Edward VI. and the Statutes of Philip and Mary have been preserv'd for Curiosity: But there are none in Force there, but Queen Elizabeth's.

II. But the Gentlemen surely rally, when they say *so carefully preserved.* They were extant in the Proctor's Books alone, and even there not Duplicates, but some Part in one Book, and some in the other;

so

so there was but one Exemplar of each Part for 200 Years together, and if either of the Proctor's Books had miscarried in all that Time, half of these Old Statutes had sunk in Oblivion ; Was not this extraordinary careful?

III. And pray in what Company were they kept ? Bound up with an old Popish Calendar, and with two absurd and ridiculous Legends of two Founders of the University, *Gurguntius* and *Cantaber* : So that if the Proctors carrying them about with them, intitles them to be Statutes in Force, it intitles also the silly Tale of *Gurguntius*, alias *Garagantua*, to be the Creed of the University.

IV. The Reason why they were continued in the Proctor's Books, if now one may guess at it, seems to have been this : The greater Part of these Books were, at that Time, clean Vellum, not written upon ; and the Books, in those Days, thought to be finely bound : To throw all away would cost new Books, and to cut out the written Leaves would cost new Binding. Upon this Account they kept their Station there, neglected for many Generations, 'till, in our own Memory, Mr. *Halman* the Register, copied out what could be read of them, and chained the Copy in the *Regent-House*.

V. That this is no improbable Guess, will appear from this : In Popish Times, while those Statutes were in Force, no doubt the Vice-Chancellors had a Copy of them in their Custody, as well as the Proctors had. What became of that Copy ? Since the Reception of Statutes from the Crown, it never was heard of : The then Vice-Chancellor knowing the Old Statutes were abolish'd, gave his Copy away to be sliced into Taylors Measures.


VI. And this is another Demonstration, that it was not then the *Received Sense*, that those Old Statutes continued in Force ; because, since that Time, the Vice-Chancellors never had them in their Custody, but only those of Queen *Elizabeth*, and what, by Virtue of her XLII Statute have been added since by the University : And is it conceivable that the chief Magistrate, who is to execute all Statutes, should for Ages have never seen the greater Half of them, if those Old ones were, all that while, Statutes in Force ? 'Tis known, and fresh in Memory, who first trump'd them up for Statutes, and for what worthy Purposes.

VII. The Remainder of this Paragraph may be answer'd at once : All the Instances there produced are about *Juramenta*, *Oaths*, administred to those in any Academical Degree. These Forms of Oaths, or very near the same, do occur in the Old Statutes, but it by no means follows,

as they infer, that those Forms have *no* other *Foundation* than the *Authority* of those *Old Statutes*. If the Queen, in her *XLIIId* Statute, gives the University the greater Power to make new Statutes, no doubt she gives them the less Power over *Ceremoniæ*, & *Mores*, & *Consuetudines*, & *Formulae*. Some of those she herself commands to be continued; and the University might continue more, or make new ones at Discretion. Two Oaths were receiv'd into Practice out of those Old Statutes, not before *Anno Domini* 1645. as the Vice-Chancellor's Book of Statutes informs us. Those two therefore, and consequently all the rest, were of no Force 'till they were adopted and enlivened anew. They are all alterable now by the same University-Authority, that at first, by a delegated Power, retained them: And 'tis some Wonder, since in long Tract of Time what once was thought decent and proper, appears afterwards ridiculous and absurd, that many of them have not been altered already:



ARGUMENT III.

“  HIRDLY, Queen *Elizabeth's* Statutes themselves do mention
 “ and refer to some of the Old Statutes and Customs, as be-
 “ ing still in Force: See *Chap. xix. De Modis Approbandi*
 “ *eos, qui Gradum, M. A. suscepturi sunt: Tunc coram expona-*
 “ *tur & de LIBRO STATUTORUM clarè legatur, quid LEGES Aca-*
 “ *DEMIE requirant ab eo—Quæ si perfecerit modo majorem partem*
 “ *præsentium de Scientiâ & Credulitate habuerit secundum morem Schola-*
 “ *rii in scrutinio admittatur.*

“ Now, in the first Place, it is the constant Practice to read not
 “ only Part of *Chap. vii.* of Queen *Elizabeth's* Statutes *De B. A.* but several
 “ Extracts out of the Old Statutes, as will appear, by comparing the
 “ Oath taken by *M. A.* at their Admission, with Pages 46, 31, 13, 58, 59,
 “ and 16th of the Statute-Book before mention'd: Which Practice is an
 “ evident Proof, that the Words *De Libro Statutorum*, and *Leges Aca-*
 “ *demie*, extend to the Old Statutes; otherwise this Practice has no
 “ Foundation.

“ Again, nothing in all Queen *Elizabeth's* Statutes being said, *De Sci-*
 “ *entiâ & Credulitate*, but in this Place; the Words *secundum morem*
 “ *Scholarium*, plainly refer to the Statute *De Incipientibus in Artibus*,
 “ Page 49. of the same Statute-Book (*Appendix N° 3.*)

“ See

“ See also Chap. xlii. of Queen Elizabeth's Statutes, *De Cancellarii Officio*.—*Quicquid Statutis nostris, vel Academiae, Cancellario faciendum attribuitur, in ejus absentia hoc idem à Procancellario fiat*. The Words *vel Academia* must mean the Old Statutes; no Statutes made by the University, since Queen Elizabeth's Statutes, having given the Chancellor any Power.

“ See also Chap. xliii. —*Procuratores in MATRICULATIONE praesentes & Officium suum diligenter facientes, &c.* And again, Chap. xlix. —*Statutores in MATRICULATIONE 4 d. tantum solvent, ceteri quemadmodum ante soliti sunt*. Now Matriculation is founded on an Old Grace or Statute only, and this Notice taken of it in these Statutes, without any further Directions about it in them, evidently supposes that old Statute to be still in Force.

“ Lastly, see Chap. xlii. *De Oratore*, whose Office was first erected by, and is nowhere described but in the Old Statute or Grace passed for that Purpose; and the Salary, as first assigned, and afterwards augmented by another Grace in 1528. is still constantly paid to the Orator.

A N S W E R.

I. **T**IS granted that the Queen's Statutes do sometimes refer to some of the Old Statutes and Customs; but the Gentlemen mistake, when they add, *As being still in Force*: There lies the Error, and this long Paragraph is one continued Series of one and the same false Reasoning. Those Old ones were not *still in Force*, but she then gave them their whole Life and Force by her new Sanction: This will plainly appear from all the Instances produced here.

II. In her XIXth Statute the Words are, *De Libro Statutorum clarè legatur, quid Leges Academiae requirant*. By which she meant no more than her own Book of Statutes, *Libro Statutorum*, as she herself calls it in the Preamble, *Statuta hoc Libello conscripta*. This therefore is so far from extending to the Old Statute-Book, that it directly excludes either that, or (which is absurd) her own: For if both had been comprehended, she must have said in the Plural, *De Libris Statutorum clarè legatur*. 'Tis demonstrated therefore again, that the Old Statute-Book was abolished.

III. So the next Expression, *Leges Academiae*, extends no farther than to her own Statutes, and what should afterwards be grafted on them, and not to any Old ones. In the said Preamble she calls her own Statutes *Leges*, where she says, *LEGUM & Statutorum vestrorum, LEGES exercendas dedimus; LEGES ac Statuta hoc Libello conscripta, ad LEGUM nostrarum observationem, voluntatem has LEGES custodiendi*. But whether the Old Statutes dignify themselves with the Name *LEGES*, let those enquire that will delve in such Rubbish.

IV. But say they, It is the *constant Practice*, in the Admission of an M. A. to read more Clauses than are extant in the Queen's *Liber Statutorum*; and if the Old Statutes, that furnish those Clauses, are not in Force, *That Practice has no Foundation*. Let the Practice justify it self, or not, the Event is nothing to this Dispute: Perhaps the Practice had better be dropt, but if it is thought worth keeping and continuing, its Foundation rests on the Queen's Authority, who, in Statute XLII. gives greater Power than this, even *nova Statuta sancire*. The University therefore might adopt those Forms and Ceremonies out of the Old Statutes; not for any prior Obligation to do so, but from an Opinion of their Fitness and Usefulness.

V. Their next Argument is from these Words, *Majorem partem praesentium de Scientiâ & Credulitate secundum Morem Scholarium*; which, say they, plainly refer to an old Statute. No doubt but *secundum Morem* must refer to, and must suppose a *Mos* existent before: But what's the Inference? That the *Mos* continued by its own Force? No, but the very contrary. The Queen here enacts it anew; *Admittatur*, in the Imperative Mood, not *Admittendus est*: And without this new Sanction, the important Custom of *Scio, Credo, Nescio*, had been extinct, unless revived afterwards by the University.

VI. But farther, They instance in the XLIIId Statute, where, say they, the Words, *vel Statuta Academiae*, must mean the Old Statutes. Must mean? they neither have nor can have that Meaning: *Statuta nostra* are the Queen's Statutes; *Statuta Academiae* are subsequent Statutes, to be made by the University, which in the very next Sentence she empowers them to make: Several such are extant; the XVIIIth carries its very Title *STATUTUM ACADEMIAE pro solenni Commemoratione Benefactorum*, Anno Domini 1639. And again, the same *Statutum recognitum* 1667. So the IV. *Ut hæc vestra Concessio, pro STATUTO habeatur*: And the same, or equivalent Words, in the VI. 1575; VII. 1577; IX. 1578; X. 1593; XIV. 1609; XV. 1612; XVI. 1613; XVII. 1631; XIX. XX, XXI, 1645; XXIV. 1646; XXV. 1647;

1647; XXVII. 1649. XXVIII. 1652; XXXI. 1663; XXXIII. XXXIV. 1667; XXXV. 1696. After so many Instances, are we still to seek what *Statuta Academiae* mean? And is it of Necessity that they must mean the old *Mumpsimus*?

VII. But the Gentlemen give a surprizing Reason for it. The Queen says, *Quicquid Statutis nostris vel Academiae Cancellario faciendum attribuitur*. Hence they argue, That the Words *vel Academiae*, must mean the Old Statutes; *Because, since Queen Elizabeth, no Statutes made by the University have given the Chancellor any new Power*. No Connexion here, nor Consequence at all. If they have given no new Power, could the Queen foresee that? They might have done it, and may do it hereafter; and she enacts for future Times, at all Events: So that this Reason and Inference of theirs, vanishes into nothing; for, I suppose, that as they have not, so they will not hereafter cavil about the present Tense *ATTRIBUITUR*, as if that tied the Sense down to the Time then present: The Present Tense (in all Languages) in a Thousand Instances comprehends the Future too: *Attribuitur* here is equivalent to *Attribuitur* aut *Attribuetur*, because any then future Statute must be present, before it could oblige: Besides, that such a Cavil would subvert their own Argument, *It must mean the Old Statutes, BECAUSE no new Power has since been given*; for it would equally hold thus, *It must mean the Old Statutes, ALTHOUGH new Power should have been given*: And consequently, if the University had given, or hereafter should give, the Chancellor any new Power, the Vice-Chancellor would not have the same in the Chancellor's Absence, express against the Queen's Declaration.

VIII. It is not much apprehended, that the University *sciens prudens* will give the Vice-Chancellors any new Power by a perpetual Statute: They have already Power enough for the Publick Good, if they can keep the Possession of it: But it may happen, that by Mistake a Senate may give more Power than it self is aware of: And this they are doing that contend for these Old Statutes, in which, by general unlimited Expressions, and commodious Glosses upon Words now obsolete, the Vice-Chancellor's Power may be extended beyond all Bounds; he may act arbitrarily and tyrannically, till at last the Wheel going round *redit tandem ad Auctores injuria*.

IX. The next Particular is from *Matriculation*, twice only mention'd by Q. Elizabeth, *Stat. XLIII and XLIX*, without further Directions about it; and *Matriculation* is founded on an old Grace or Statute only, which therefore is evidently supposed to be still in Force. This STILL IN FORCE is the perpetual Error: The Queen, in the Passages here produced, speaks in the commanding and enacting Stile, *Accipiant, solvent*: If the
Old

Old Statutes were still in Force, why did she enact them anew? But she gives *no farther Directions* about it. Why? Did Matriculation want to be defined or directed? Was not the Word known and used in Churches, and Charity-Houses, long before Universities existed? 'Tis only a Catalogue of those that are admitted: And even about that, the Queen determines the Fees; what Proctors should receive, and what Sizars should pay. But *Quære* farther; The Gentlemen here refer to a *Grace or Statute*, without specifying it, as usually they do: 'Tis doubted, whether there is such a *Grace* extant in the Old Statutes; and, 'tis more doubted, whether the same Fees are appointed there, 3*s.* and 4*d.* and a single 4*d.* If either of these fail, the Argument is gone; and if both should hit, 'tis but the old Error repeated, ascribing that to the Power of Old Statutes, which is solely due to the New Sanction of the Queen.

X. But lastly, The Gentlemen refer to the Queen's XLIVth Statute *de Oratore*, which Office, say they, was first erected by, and is no where describ'd but in the Statute or Grace passed for that Purpose: And the Salary as first assigned, and afterwards augmented by another Grace in 1528, is still constantly paid to the Orator. We are to add and supply, as in the several Instances above; which proves that Old Statute or Grace to be still in Force.

XI. The Queen's Statute *de Oratore* seems to be accused here as defective, that it does not describe the Orator's Office, and so is to be supply'd out of the Old Statute: But this is a Mistake. The Office of the Orator is sufficiently defin'd and describ'd in the very Name *Orator Academiae*, as before *Matriculatio* needed no Explication at all: What Orator in general was, all knew, and *Orator Academiae* directly pointed out both the Person and his Business. He was to use his Oratorial Faculty in the Exigences of the University; but never without their Command and Directions, *toties quoties*; he was not once to meddle, *injussus*, and act out of his own Head: Such an Office, so closely limited and circumscribed, needed no other Description than the bare Name.

XII. But the Queen, in that Statute, confines the Orator to a very strict Residence, and in the shortest Absence, to the Provision of a Deputy: And what the Old Statute has more than the Queen's, is a Burthen not now to be born; it's now useless and impracticable, and yet injoin'd under such strange Oaths, as were they now to be introduc'd, the very Electors would blush to offer them, and the Elect'd would scorn to take them.

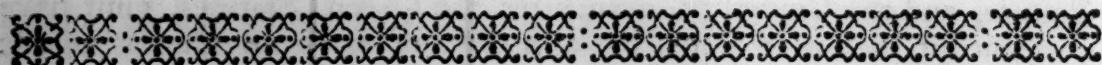
XIII. But they argue, That the Salary appointed out of the University Chest is still paid to the Orator, and by Virtue of that old Appointment; which

which Statute therefore is yet in Force. That Salary was poor Four Pounds, and the University, even after the Queen's Statutes, must have continued it, not as a Debt, but as a Gift, or have no Orator at all: But soon after, *Anno Domini 1587*, the University settled a further Salary, *In Annuum hujus Stipendii Incrementum*: Where the Word *Incrementum* confirms and enacts anew the former Salary, Four Pounds: And the Orator has a just Title to it, though the Old Statute be long ago dead and buried, without any Hopes of a Resurrection.


XIV. Nor can that Old Statute be revived, even by the Consent of the University, because it does, *Officere & Adversari*, obstruct and contradict the Queen's Body of Statutes. The Queen's XLth Statute allows 14 Days for the Election of a new Orator, after a Vacancy: The Old one but three Days, *Si fieri possit*: The Queen says, He shall be chosen after the Manner of the Vice-Chancellor; the Old one quite contrary says, After the Manner of the Proctors.

XV. Nor is it to be doubted, but the Words in the XLth Statute, *Aliorum Ministrorum seu Officiariorum Academicæ quorumcunque*, include the Orator, tho' not named there expressly. Since a new sort of *Ministri & Officiarii*, then not existent, the *Burgenses*, or Parliament Men, appointed by King James the First, were, at the very Time of that Royal Favour, in Virtue of this XLth Statute, determin'd and declar'd Eligible in *Modum Procancellarii*.

XVI. The said XLth Statute has these Words; The Choice of All Officers, *De quibus aliter a nobis non est provisum, sequetur modum & formam in Electione Procancellarii, fietque intra 14 dies post vacationem, nisi aliter Statutis nostris aut fundatione cautum sit*. Where the Words *Fundatione cautum* may, at this Distance of Time, be variously interpreted: But whatever they signify, this is plain, that they refer only to the Fourteen Days *post vacationem*, and not to the *Modus Electionis*: For otherwise those two equivalent Expressions, *De quibus aliter a nobis non est provisum*, and *Nisi aliter Statutis nostris aut fundatione cautum sit*, must both belong to the same Thing, and one of them be superfluous, and mere Tautology, *Quod est absurdum*.



A R G U M E N T IV.

“  OURTHLY, supposing these Words to relate to the Statutes,
 “ &c. of particular Colleges, it doth by no means follow from
 “ thence, that the Old Statutes, &c. of the University, are
 “ at present of no Force or Authority : It is true, indeed,
 “ that if those Words do not relate to the Old Statutes, &c. of the Uni-
 “ versity, Queen *Elizabeth* has not any where directly declared her
 “ Mind concerning them : But since all Corporations have a Power of
 “ making what By-Laws they please for their own good Government,
 “ that are not contrary to the Laws of the Land, and their own Char-
 “ ters : which By-Laws will perpetually oblige the Members of those
 “ Corporations, till they are repealed by the Corporations themselves,
 “ or some higher Authority ; the University cannot be supposed to
 “ want that Power : And consequently, all the Old Statutes, which are
 “ so many By-Laws of the University, that are not contrary to the
 “ Law of the Land, or to Queen *Elizabeth*'s Statutes, will, by Virtue
 “ of that Power, remain in full Force ; the University themselves, or
 “ any other higher Authority, having never repealed them.

“ It is admitted, that such Old Statutes, as are contrary to Queen
 “ *Elizabeth*'s Statutes, are of course effectually, though tacitly, repealed
 “ by them ; but nothing less than an express Declaration of hers, to
 “ that Purpose, could abrogate the rest : On the contrary, since Queen
 “ *Elizabeth* has expressly declar'd some of them to be still in Force, as
 “ in *Chap. xx, xxi, xxxiii, xxv, &c.* of her Statutes (*Appendix, N^o 4.*) her
 “ Silence, as to the rest, will amount to a Confirmation of them, and
 “ the constant Practice since is an Evidence of that Confirmation.

A N S W E R.

I. **H**ERE's a great Mistake again. The Gentlemen say, If the Queen
 has not declar'd her Mind concerning the Old Statutes, they
 exist still, because not abrogated expressly. On the contrary, since the
 Queen has not declared her Mind expressly about them, they are effect-
 ually abrogated, because not confirm'd by her expressly.

II. And

II. And that this Position is true, is plain to a Demonstration.

The Queen herself, in the Close of her first Edition of Statutes, which, *pro tempore*, she then gave, with a Reserve of what *posthac* she might do more, has these Words, *Præcipimus, ut Leges, Injunctiones & Resolutiones vobis in tempore REGIS EDVARDI exhibitas, sive ad Academiam sive ad singula Collegia referantur, quatenus expresse non sunt a nobis ablatae & immutatae, custodiatis & observetis.*

III. Here she declares, *That K. EDWARD's Statutes should be still kept and obey'd, as far as they were not expressly chang'd and abolish'd by herself.* The rest of them she orders to stand good, and without this Order they had all been abolish'd of Course: For if they could still exist tacitly by their own Force, this Declaration was impertinent and superfluous; and surely King EDWARD's Statutes were then of themselves as valid as the Old Popish Statutes; and since she made no such Salvo for those Old ones, as she here did for her Brother's Statutes, as she easily might have done here; *Præcipimus ut & VETERA STATUTA & Leges Regis EDVARDI, &c.* those Old ones, for want of that Salvo, were virtually abolish'd, *Quod erat demonstrandum.*

IV. And this will appear yet clearer from her Second Edition of Statutes, given Twelve Years after, which, in many Places, altering and augmenting, and new modelling the Former, was thought by her to be now *perfect and compleat, Ista omnia accurate, ut speramus, sunt absoluta & perfecta*: and this being now so finish'd and perfect, wanted no Supply from the Statutes of Edward, so that, in this last Edition, she made no such Salvo for Edward's, as was made in the former, and the Consequence was, that all the Power of Edward's was from that Moment extinct, being never since used nor mentioned.

V. A full Body of Statutes, given by the Crown under the Broad-Seal, extinguishes all prior Statutes, *ipso facto*, tho' not repeal'd expressly: This is plain, for in her Second Edition she enacts That indeed, but not in the least Word REPEALS her First; and this holds good in all Bodies of Statutes given by the Crown under the Broad-Seal, either to private Colleges or Collegiate Churches: At the very Appearance of those, all prior Statutes vanish, without the Formality of an express Repeal. In Queen Elizabeth's Statutes to Trinity College, where, at that Time, Queen Mary's obtain'd, as King Edward's had done before; she calls King Edward's Statutes *Sanctissimas Leges*, the other she does not mention, but she *verbally repeals* neither, and yet virtually they were both repeal'd, and never since made use of.

VI. What then ? must Royal Statutes, that ruled and sway'd all in their several Seasons, immediately succumb and die at the very Entrance of new ones, without any formal Repeal ; and shall this old Stuff, found only in two greasy Books, without Originals, without Vouchers, without any Security that they were true Copies ; shall these be thought still alive and immortal, because formal and exprefs Words, like ringing of the Church-Bell, did not declare them to be dead and inanimate ?

VII. And yet they were even expressly repeal'd in the Queen's former Edition, in Chap. *De Cancellarii Officio. Omnia Statuta & Consuetudines, quæ istis adversari videbuntur, abrogata & rescissa sunt.* Now the whole Body of those Old Statutes are of that Nature, every one of them does more than *videri*, does flatly *adversari* to the Parallel one in the Queen's. The Queen, in hers, has carefully butted and bounded the Authority and Power of University Officers ; how far Superiors shall act, and how far Inferiors shall obey or suffer : Now, whatever in the least alters that just Ballance of Power, does *adversari* to the said Statutes of the Queen's, and confounds the settled Government in the University : And these Gentlemen are challeng'd to produce one single Old Statute that does not alter that Ballance, by giving Officers either more Power or less than the Queen thought fit to give ; and it is plain *a priori* that it must needs be so, for if they neither add nor diminish at all, they are in Effect the same with the Queen's, and are virtually contain'd there already ; and why then all this Rout about them ?

VIII. One is almost tempted to say, that it is even flat Nonsense to contend for the perpetual Power of these Old Statutes : The Queen gave the University a System of Laws, that she hoped was then *accurately compleated and perfected* : and farther, gave them Power, as Occasion might require, *Statuta nova sancire* ; if they did not *detrahere vel officere* to hers. Take these two together, a System thought then actually compleat, and if found otherwise, potentially always compleat ; and what need at all was there that any old or prior Statutes should still subsist in Force ? Could not the University have pick'd out what they liked in the Old ones, and enacted it a-new, tho' dead before ? Cannot they do it yet, if they have a Mind to do it ? But they neither have done, nor will, nor can, adopt any of them, except mere Forms and Ceremonies, and those, perhaps, now become ridiculous ; because all the Old Statutes, of any Importance, do *officere*, or *detrahere*, or *adversari*, to those of the Queen, and alter her fixed Ballance of Power.

IX. 'Tis already evident, that the Gentlemens Similitude from *Corporations and Charters*, and *By-Laws*, does not answer their Purpose : There

is a wide Difference between a Charter of Incorporation, and a System of Statutes prescrib'd to that Corporation : If the Crown had given the University nothing but Charters, they had left it to make its own Laws, which it could alter at Discretion ; and that produc'd the Old Statutes, which were then made, while the University had nothing from the Crown besides Charters : But when the Crown once gave them Statutes too, these were unalterable, except by the Royal Power, and the former Statutes made by the University expir'd all at once ; and 'tis believ'd the Gentlemen mistake, when they say, *The Old By-Laws of a Corporation subsist still in Force after the Receipt of a new Charter from the Crown.* The contrary is thought true ; that all the old By-Laws are thereby extinguish'd, and have no Force till they be reviv'd again in Virtue of the new Charter, and re-established by Vote of the Corporation ; but whether of the two be the Rule and Custom, is not at all material in our present Dispute.

X. But the Gentlemen still go on ; *Since Queen Elizabeth has expressly declar'd some of the Old Statutes to be still in Force, as in Chap. xx, xxi, xxxiii, xxv. of her Statutes, her Silence, as to the rest, will amount to a Confirmation.*

XI. That such a *Silence*, or want of express Repeal, does not at all confirm the rest, has been demonstrated already : Since the Queen was equally silent about her own Statutes of the first Edition, which were not verbally repeal'd by her, and yet they *silently* expir'd and died of themselves : And that in the Chapters there produc'd, she does not declare those Statutes *still in Force*, but *expressly declares*, that herself then gave them their Force, will appear by the Examination.

XII. In the Twentieth Chapter the Words are, *Ceremoniæ in gradibus conferendis eadem sint, quæ antea fuerant secundum antiquum Academicæ morem :* And xxi. *Excipimus gradum Baccalaureatûs Artium, qui antiquum modum petendi RETINEBIT ;* And xxxiii. *Cancellarii Magistratus tam diuturnus ESTO quam vetera Statuta moresq; Academicæ permittebant ;* And xxv. *Magistri Artium, quemadmodum in antiquis Statutis præcipitur, sic etiam NUNC bis DISPUTABUNT.*

XIII. *Vestram fidem, Quirites !* Does the Queen by these Passages declare, that she thought those Statutes and Customs to be in Force without her ? Does not she here enact them herself ? Are not the Words *SINT, RETINEBIT, ESTO, DISPUTABUNT,* ordering, commanding, enacting Words ? Does not that in xxxiii. *Vetera Statuta PERMITTEBANT,* evidently imply, that then they had no Force ? If they had any, she must needs have said *PERMITTUNT ;* and

to all the Passages that the Gentlemen produce, prove the very contrary to what they expected from them.

XIV. But the Gentlemen finally say, 'That the *constant* PRACTICE SINCE is an Evidence of that Confirmation: This about constant Practice is the *Anchora sacra*, and, therefore, was reserved for the last Extremity, and if this too fails, as the rest have done, 'tis presumed this Dispute is at an End.

XV. The worthy Gentlemen that drew up this *Argument* are of small Standing in the University, being advanc'd in good Learning much above their Years; and what they have seen in their own Time, they were prone to think was *the constant Practice* before; whereas, in Reality, 'tis very recent, and without former Example, not practised, nor heard of, till a few Years ago: This is a Matter of Fact, and a Point of History, and what shall here be offered on that Head, amounts to a Demonstration. The Queen, in the Close of her Statutes, enacts, *Si quid dubii aut ambigui in istis Statutis & Sanctionibus nostris oriatur*; it shall be determined by the Chancellor, and Majority of Heads of Colleges, *Quorum Determinationi & Interpretationi reliquos omnes cedere volumus*. Accordingly several Doubts were early raised about the Meaning of some Statutes, and eager Struggles were made about the Balancing of Power, and several Complaints sent to Court, by the Parties that were worsted; the Doubts are registered in the Vice-Chancellor's Book; the Complaints may be seen in the Lives of the Archbishops Parker and Whitgift: Now, if during all those stickling Contests, not one Man, in any single Instance, for a Hundred Years, and more, made either Doubt at Home, or Complaint Above; that had its Rise from the Old Statutes, but all from the New; What will these young Gentlemen think of their Antient and *Constant Practice*?

XVI. The Conjunction of the Old Statutes with the New, if such a Thing had been, would have begot infinite Doubts; the Old Statutes, taken *separately*, are, by Reason of their obsolete Language, now scarce intelligible, but by an Antiquary; and if brought now into Use, would raise Doubts about every Paragraph of them: But then the *jumbling* them with the Queen's Statutes, and the Difficulty of stating what agrees with the Queen's, and therefore valid; what obstructs, or detracts, or seems to thwart the Queen's, and consequently null; this endless Puzzle would distract the University, to the utter Ruin of Peace, and of Study: And what Vice-Chancellor, *pro diverso captu & ingenio*, was not either worrying or worried, since this Notion was first started?

XVII.

XVII. There are Seventeen Interpretations or Determinations of such Doubts, all extant in the Vice-Chancellor's Book, beginning at the first Year of the Statutes 1571, and ending at 1685: In all this Space of Time, not one Doubt is founded on the Old Statutes, nor is the very Name of them once met with; Where did they lurk all that while? if that Jargon, so prolifick of Doubts, and Broils, and Quarrels, had been all that while in Force and Play, we should have heard of it every Year, as now lately, to our Disturbance, we do: They were dead then, and buried, were useless and neglected, were understood to be void and null, and never once came into *Practice*, for above an Hundred Years; *Quod erat demonstrandum.*

XVIII. We are loth to suspect, that any ingenuous Person will cavil and chicane the Queen's Expression, *Si quid dubii in istis Statutis & Sanctionibus nostris oriatur*; as if *istis* and *nostris* confin'd the Determination of Doubts to her own Statutes only, and so no Doubts could appear in History relating to the Old Statutes: On the contrary, *istis* and *nostris* make a new Argument, That the Queen then knew of no Statutes besides her own: For otherwise she has provided a Resort, where to decide Doubts about her own Statutes, that are clear and perspicuous, and no Resort for the dark Old ones, which must inevitably have begot infinite Doubts, *Quod est absurdum.*



CONCLUSION of the A R G U M E N T.



AFTER all, it is humbly offer'd to the Consideration of every Member of the University Senate, whether any Person that has obliged himself by Oath, as every Graduate has done, *Ut Statuta ac hujus Universitatis probatas Consuetudines pro viribus observet*, can, consistently, with that Oath, go about to destroy, or weaken the Authority of those Statutes and Customs founded on them, that have so long obtained amongst us.

A N S W E R

A N S W E R.

BY this Time it sufficiently appears, that for *having so long obtain'd,* the true Reading should be, *Been so lately introduced.* Nothing is sworn to by any Graduate, but what is in the Queen's Statutes, and in the *Statuta Academiae*, since made by Virtue of her Statutes; the old Popish *Statuta* have no Share in any Oath: And the Writer of this Answer *humbly offers it to Consideration,* whether an Attempt to bring back this obsolete Rubbish in Competition with the Royal Statutes, *Et Corpus mortuum vivo jungere,* besides being so mischievous here at Home, may not be thought injurious to the Prerogative of the Crown: And he further desires and expects, that if a Reply be made to this Answer, it be in the same Manner as this is: This whole Discourse, writ down, and consider'd Paragraph by Paragraph, otherwise, no Notice will be taken of it.



I N T R O-



INTRODUCTION

TO THE

REPLY.



BEFORE I make any Reply to the elaborate Answer of the very Reverend and Learned Gentleman, that has condescended so accurately to examine a slight Performance, drawn up at a leisure Hour, without any Intention that it should appear so publickly, as already it has done, and is still like to do; I think it necessary to premise; that I was accidentally led into this Dispute, by an Hint that came from a worthy Gentleman, to whom the Learned Answerer had declared his Thoughts on this Subject, and expressed a Readiness to debate it with any one that was of the contrary Opinion, either in a Personal Conference, or in Writing. Being fully convinc'd that the other Side of the Question was to be maintained, I was determin'd to draw up a Paper upon the Subject, which, I do here declare, was communicated to no Person whatsoever, till fairly transcribed, and then only read over by three Gentlemen, for whom I have the greatest Value and Esteem; any one of whom, had he thought fit to engage in the Dispute, could have managed it to much better Advantage, and whose joint Assistance had I had, probably, I might have escaped some of the Castigations of the Reverend Answerer's learned Pen; the whole Load of which, as in Justice to those worthy Gentlemen, pointed at by the Learned Answerer, I ought, I do here take upon my self: It was my Misfortune to be drawn unprepared into this Dispute, which the Learned Answerer, upon an Occasion that nearly concern'd him, had studied some Years ago, and made himself Master of.

I think

I think myself obliged likewise to declare, That as I became accidentally engaged in the Dispute, so I engaged in it as a private Person, without any Commission or Authority to speak the Sense of any one but myself; which Declaration I make, lest it should be imagined, that I had the Vanity to assume the Air of a publick Champion; or, that the Merits of the Cause were put on my Success in the Argument.

Though I am determined to obey the Dictates of the Learned Answerer, with respect to my Reply to his Answer, and to consider it Paragraph by Paragraph with the Attention, that every Thing that comes from him deserves; Yet it may not be improper at first setting out, to remove some Prejudices which the Learned Answerer's Affectation of Pleasantry, and his Mistakes about Matter of Fact, may have raised in the Minds of his Readers. The ridiculing the Validity of the Old Statutes, and the Authority of the Proctor's Books, the only Authentick Records of them, are two favourite Topicks with him; which, with Pleasure, he frequently insists on in his Answer, and by many Essays at Wit and Burlesque, he would fain bring them into Contempt with his Readers, whom he would gladly have believe, that the Notion of the Validity of the Old Statutes, is a new one, asserting, *That 'tis known, and fresh in Memory, who first trump'd them up for Statutes, and for what worthy Purposes*; and by Insinuation, casting a Reflection upon the Proceedings of the University-Senate, in a certain Cause; the Justice of which Proceedings, though reversed by a Superior Power for want of some Forms in Law, was never impeached. Whereas in Truth, it has always been the received Opinion of the University, that the Old Statutes were in Force; so that the Novelty is intirely on his side of the Question; and he best knows *who first trump'd up this new Opinion, that the Old Statutes were not in Force, and for what worthy Purposes*, it is at this Time re-trump'd up. *This*, as he phrases it, towards the End of his Answer, *is a Matter of Fact, and a Point of History*: And I beg leave, before I proceed any farther, to lay it at one View before the Reader, as I have collected it from the several Registers of Graces, or Acts of the University-Senate; from whence the Sense of the University is always most certainly to be discover'd.

It were endless to transcribe all the Graces, that are to be met with in the several Grace-Books, since the Crown first gave Statutes to the University, that prove the Sense of the University to have constantly been, that such of the Old Statutes at least, as were not contrary to them, were still in Force. I shall single out some of the most remarkable of them, pass'd at different Times; in order to shew, that the University has always been of the same Mind. They are transcrib'd at large, or as far as is to the Purpose, in the *Appendix* to the Reply, in which will be found all the Extracts from Statutes and Graces, &c. made use of in this Reply, marked with Numbers correspondent. The first I shall mention, passed 1551. (*App. N^o. 1.*) (about Two Years after King *Edward VIth's* Statutes, which were given

in 1549, and were the first Statutes the Crown ever gave the University of Cambridge) and has these Words in it.—*Juxta VETERUM STATUTORUM, QUÆ IN HAC PARTE VALENT, Consuetudinem.* The Second in 1564. (*Appendix N° II.*) four or five Years after Queen Elizabeth's First Edition of Statutes, which was in 1559, empowering the Vice-Chancellor, &c. *To peruse all the ANTIEN STATUTES of the University touching Appellations; and whereas any Imperfection was, to amend and supply the same.* The Third in 1570, (*Appendix N° III.*) a few Months after Queen Elizabeth's Second Edition of Statutes, and was a Dispensation with an Old Statute in relation to *B. A.* (*Appendix N° IV.*) and it is remarkable that this very Grace used constantly, for several Years, to be proposed some time in *January*, even before Queen Elizabeth's Statutes, with this only Variation, that before it ran, *Non obstante Statuto*; but in 1570. the Year Queen Elizabeth's Statutes were given, *Non obstante Statuto VETERI.* It is also to be observ'd, that this same Grace is repeated for many Years after 1570 successively; which evidently proves the Sense of the whole University Senate to have been, that the Old Statutes, that were not contrary to Queen Elizabeth's Second Edition of Statutes, were still in Force; since they thought it necessary, even in the very Year that Queen Elizabeth gave her Statutes, when her Intentions were certainly known, and for several Years after, to pass a Grace on purpose for dispensing with one of them. In 1573 the Fourth Grace passed (*Appendix N° V.*) moderating the Penalty of an Old Statute, but leaving the Statute as it found it, still in Force. The Fifth passed in 1609, (*Appendix N° VI.*) about Causes in the University Courts, in which some Passages are recited out of the Old Statutes, and introduced with, *Insuper juxta tenorem STATUTORUM Academicæ* — The Sixth in 1621, (*Appendix N° VII.*) which has the Words *STATUTIS cautum sit*, meaning two Old Statutes *De Determinatoribus pro Se. Et pro Aliis*, (*Appendix N° VIII.*) by Virtue of which, Examiners of *B. A.* were yearly chosen till 1684, since which the Moderators, who were first appointed in 1680, are constantly chosen Examiners also.

Besides these Graces, which do incidentally only prove, that some particular Old Statutes were thought to be still in Force; there are six other Graces since King Edward's Statutes, that do directly prove, that the whole Body of Old Statutes, as far as they were not contrary to the Royal Statutes, were thought by the Senate to be still in Force. The First passed in 1552. (*Appendix N° IX.*) about 3 Years after King Edward's Statutes, and gives the Vice-Chancellor, &c. *Power to inspect and examine the Old Statutes in the Proctor's Books, and to explain the obscure ones, abrogate the antiquated; and collect in one Volume, those that were to be retain'd.* Queen Mary's coming to the Crown, the next Year, no doubt hindered this Design from taking Effect: The next in 1557, (*Appendix N° X.*) soon after Cardinal Pole's Statutes were given the University by Authority from the Pope, which gave the Vice-Chancellor, &c. Authority to revise
D and

and reform the Old Statutes of the University. Before any thing could be done by Virtue of this Grace, Queen *Elizabeth* was upon the Throne, and gave New Statutes *Primo Regni sui*. The Third in 1628, (*Appendix N^o XI.*) giving any Five of the Persons there named, of which the Vice-Chancellor and one of the Proctors were always to be two, Authority to compare and digest the Proctor's Books, and to determine what was to be added to, or left out of them, in order for their being wrote over anew, upon Condition that when they were so, the Old ones should be carefully preserved in perpetuam rerum memoriam. The Fourth in 1646, which was *verbatim* the same with the last mentioned; but the troublesome Times that ensued, put a Damp upon this, as well as all other laudable Designs. The Fifth in 1682, (*Appendix N^o XII.*) which commits the Care of transcribing the Proctor's Books anew to the Vice-Chancellor, &c. The last in 1685, *verbatim* the same with the preceding. I presume by this Time, the Sense of the University, with respect to the Validity of the Old Statutes, sufficiently appears to every impartial Reader: The Heads also have, upon Occasion, declared their Opinion to be, that the Old Statutes are still in Force, in an *Interpretation* made by them *June 23. 1582.* and in a *Decree October 10. 1619.* In the former are these Words, *Nos autem quoniam LEGIBUS nostris cautum novimus*— And then they recite some Passages out of the Old Statutes, (*Appendix N^o XIII.*) And in the latter, *Secundum ANTIQUM STATUTUM de Exequiis ex hac parte provisum.* (*Appendix N^o XIV.*)

And to put it out of doubt that the University were not mistaken in their Opinion of the Validity of the Old Statutes, notwithstanding the Statutes given by the Crown; we need only look into the Commissions from the Crown to the Visitors, by whose immediate Authority the Royal Statutes were given to the University, and into the several Preambles to the said Statutes. I shall not go so far back as King *Henry the VIII's* Injunctions given to the University (by *Cromwell*, the 27th of his Reign, or the Articles added to those Injunctions by *Leigh*, *Cromwell's* Delegate, the former of which null all Statutes contrary to themselves, and the latter of which expressly enjoin the Observance of all Statutes not contrary to them) but begin with King *Edward the VIth's* Commission to the Visitors appointed by him, which gives them Power, *Dictæ nostræ Universitatis, & Collegiorum ac Aularum Incorporationes, Foundationes, Statuta, Ordinationes—Exigendi, & recipiendi, eaque diligenter examinandi, & discutiendi—Nec non Injunctiones & Statuta—Nomine nostro tradendi, & vice & Autoritate nostris eis inducendi & assignandi—Statutaq; Ordinationes, Consuetudines, & Compositiones, si quas comperiatis eisdem CONTRARIAS SIVE REPUGNANTES TOLLENDI & penitus ADNIHILANDI:* And Queen *Elizabeth's* Commission to her Visitors, in the first of her Reign, in this Respect, is *verbatim* the same. Now it evidently appears, from these Commissions,

Commissions, that the Old Statutes of the University were only to be repealed as far as they were contrary and repugnant to the Design of the Commissions, and the Statutes that the Visitors should by Virtue of those Commissions give.

The same will appear also from the several Preambles to the said Statutes. King *Edw. VI.* says in his ; —*Reverendissimos Patres—Intueri nostro nomine Cantabr. Academiae statum iussimus, ac Leges, & Statuta, ac Mores nostrorum in illâ Scholasticorum inspicere ac perpendere: Et si quæ sunt in illis CORRIGENDA, EADEM CORRIGERE, & in meliorem statum redigere—*And afterwards—*Visum est NONNULLAS Leges in hoc volumen conscriptas—*Illis dare, ut vobis tradant, ut ANTIQUATIS SEMIBARBARIS vestris & OBSCURIS STATUTIS, & propter vetustatem jam plerumq; non intellectis, Regiis deinceps Legibus, & nostro latis Auspicio pareatis. Which latter Paragraph must necessarily be restrain'd by the former, and consequently cannot consistently with that, extend to all the Old Statutes, but such of them only, as by being *semibarbara & obscura, &c.* were therefore *corrigenda*, in the place of which these Royal Statutes were to succeed: As for the rest, that were not *semibarbara, &c.* and therefore not *corrigenda*, the Commission to the Visitors did not affect them: And that it was the Intention of the Visitors themselves, that they should continue in Force, may be collected from the following Words, in the Chapter *De Cancellarii Officio*, of those Statutes: *Omnia Statuta & Consuetudines, quæ istis adversari videbuntur, abrogata & rescissa sunt*, which evidently implies that those that did not seem *adversari*, were not *abrogata & rescissa*. Queen *Elizabeth's* Preamble to her first Edition of Statutes is rather stronger than this.—*Eâ de causâ viros gravissimos & doctissimos ad Statum Academiae intuendum misimus, ut siquid ABSURDI in LEGIBUS, STATUTIS, Ritibus, aut Moribus vestris reperiatur, id TOTUM TOLLATUR & ABROGETUR, sin quid DEPRAVATI in eisdem inveniatur, id non modo eorum prudenti Judicio EMENDATUR, verum etiam has Leges hoc Libello conscriptas, utiles quidem ac breves—vobis—tradant.* To which if we add a Clause from the Chapter *De Cancellarii Officio* in those Statutes, viz. *Omnia Statuta & Consuetudines, quæ istis ADVERSARI videbuntur abrogata & rescissa sunt*, RELIQUIS SUO ROBORE PERMANSURIS; no one can doubt but that such Old Statutes, as did not seem *adversari* Queen *Elizabeth's* Statutes, were intended to be left in their full Force. I have not taken notice here of Cardinal *Pole's* Statutes, or Injunctions, the Preamble and Conclusion of which directly declare the Old Statutes to be still in Force, because they were given by an illegal, viz. a *Papal* Power; nor of Queen *Mary's* Letter to the University, which is in CCC. Library Misc. P. requiring that the Old Statutes should be observed. As to Queen *Elizabeth's* Preamble to her Second Edition of Statutes, since the Learned Answerer has drawn an Argument from the Words *accurate absoluta & perfecta* in it, to prove

that she did intend to abrogate the Old Statutes : And since the main Question between us is about the Sense of a Clause in another Part of her Statutes, which, if it is to be understood in the Sense I contend for, will directly prove her Intention to have been, that the Old Statutes, as far as they do not contradict Hers, should remain in Force. I shall not anticipate what I have to offer in my Reply to the Learned Answerer on those Heads, but refer my Reader to what shall be said there.

It will not be impertinent to the Point that we are now upon, to give some Account of some MSS. Papers in CCC. Library Misc. XIX *ad finem*, containing the Complaints of several of the Body in the Year 1572. against Queen *Elizabeth's* Second Edition of Statutes, (which are said to have been drawn up by Dr. *Whitgift*, Master of *Trinity-College*, and some other Heads of Houses, (*Strype's* Life of Archbishop *Whitgift*, Page 19.) And the Answers of the Heads, supposed to be also drawn up by Dr. *Whitgift*, to those Complaints, together with the Reply of the Body to those Answers. These Papers are very curious, and well deserve to be read and considered by every Member of the University: The Complaints of the Body, and Reply to the Heads Answers to them, are drawn up with Spirit, and carry an Air of Truth and Conviction with them; whereas the Answers to the Complaints are, in the main, insufficient and evasive: The Body complain that, whereas by the Old Statutes, the Power of interpreting all Statutes was *in majori & saniori Parte Regentium & Non-Regentium*, the Heads alone have a Power of interpreting Statutes given them by Queen *Elizabeth's* Statutes. To which the Heads answer, by Dr. *Whitgift*, *Autoritas interpretandi vetera Statuta remaineth in Force as it did before*, &c. By which Answer the Compilers of Queen *Elizabeth's* Statutes themselves manifestly allow both that the Old Statutes are still in Force, and that the Heads have no Authority to interpret them. The Body complain also of the exorbitant Power given by the New Statutes to the Heads; And indeed whosoever compares Queen *Elizabeth's* Second Edition of Statutes with her First, or King *Edward* the Sixth's, which her First Edition is almost a Copy of, will find, that almost all the Power the Heads now claim, is founded upon this Second Edition, which was procured by the Application of Dr. *Whitgift* to Chancellor *Cecyl*, particularly for *curbing many of the younger sort of Fellows and Scholars, that were disobedient to the Heads*, &c. *Strype's* Life of *Whitgift*, Page 18. and was compiled by him and some of the Heads; And this in the Main is the Difference between the First and Second Edition of Queen *Elizabeth's* Statutes: For instance, The Power of *Pricking* for Vice-Chancellor, &c. the Elections to which Offices, before Cardinal *Pole's* Statutes or Injunctions, were free; and the annual *Caput*, which the Heads have so great an Influence in chusing, are both owing to these Statutes; which, before Cardinal *Pole's* Statutes, also was only annual with respect to the stated Congregations of the Year, and was

was chosen also by Grace : As to all other Congregations, called for the Dispatch of University Business at any other Times during the Year, a new *Caput* was chosen every Congregation : Which Practice had this Advantage in it, that no one Person, as Member of the *Caput*, without the Consent of the University, had it in his Power to stop any Grace more than once ; the University having Liberty to change the *Caput* every Congregation. The Power of the *Caput*, in the Nomination of Delegates, in Cases of Appeal, is peculiar also to these Statutes. A Negative also is given to all Masters of Colleges in all Elections, and Grants of Leases, &c. by these Statutes, how legally I do not say ; And the Power of interpreting the Royal Statutes is given also to the Heads by the same Statutes ; neither of which were given to them either by King *Edward's* Statutes, or the first Edition of Queen *Elizabeth's* : And Cardinal *Pole* was the first that took the Power of interpreting Statutes from the Majority of Regents and Non-Regents, where it was constantly lodg'd before, giving the Chancellor of the University the Power of interpreting the Statutes which he had given by Authority from the Pope to the University : And it is very remarkable, that tho' Queen *Elizabeth's* Visitors, in the first of her Reign, did set aside Cardinal *Pole's* Statutes or Injunctions, and restore the ancient Freedom of Election of the Vice-Chancellor, &c. and the old Method of chusing the *Caput*, yet the Second Edition of her Statutes, compiled by some of the Heads, did revive both these Innovations of Cardinal *Pole's* : And the Pricking for the Vice-Chancellor was put by them on a much more exceptionable Foot than it had been before by Cardinal *Pole's* Statutes : For they provided that not only Heads, but Doctors in all Faculties, and Bachelors in Divinity, present in the University, should prick for Vice-Chancellor : And if a Majority of all these could not agree in three Scrutinies on two Persons, that the Names of the Persons, that had been named in the several Scrutinies, should be transmitted to the Chancellor, who was impowered, for that Time, to name two out of them, and the Regents were to chuse one of them Vice-Chancellor : But Queen *Elizabeth's* Statutes vest the Power of Pricking in the Heads only ; and less than a Majority, even of that small Number, have frequently a Power by those Statutes, of confining the Choice of the whole University. These Regulations which Cardinal *Pole* had made with a View to establish Popery again in the University, by vesting extraordinary Power in the Senior Part of the University, who had been bred up in it, and had stronger Prejudices in Favour of it ; the Persons, that had the compiling those Statutes entrusted to them, for Reasons best known to themselves, revived, with some Variation indeed, but for the worse.

But to return to the MSS. Papers, the Whole of which contain something entertaining and useful in them : They let us into the History of the Transactions of the University, about the Time Queen *Elizabeth's* Second Edition of Statutes was given, and shew how unwillingly those Statutes were admitted

admitted here. They tell us, That when they were first read to the University, *they shewed their misliking, by denying Thanks to the Queen and the Chancellor, and that the Proctor, and divers antient Regents and Non-Regents, met to consult, in Way of Supplication, to seek Redress*: The Result of which Meeting, I presume, was the drawing up a *Supplication*, some Time after, to my Lord *Burghley*, Chancellor of the University, as it is called in another Paper in the same MSS. (N^o DCXXXIII.) which, I suppose, is an Original subscribed by 164 Regents and Non-Regents, with their own Hands, *May 6. 1572.* empowering the Proctors, &c. to set their Names to, and deliver Letters to some honourable Persons there named, in Furtherance of the *Supplication* above mention'd, which, they say in this Paper, was also subscribed with their own Hands. Mr. *Strype* in his *Life of Whitgift*, Page 24. says, "That the Chancellor had desired the Archbishop of *Tork*, and Bishop of *London*, to take the Hearing of the Matters in Controversy: But Drs. *Whitgift*, *Perne*, *May*, and *Caius*, prudently required of the Chancellor, that the Archbishop of *Canterbury*, and Bishops of *Ely*, *Winton*, and *Lincoln*, might be desired by his Lordship to join themselves with the former two in the said Conference; but, That he does not find what the Judgment and Directions of the Bishops were." But it appears, by the same Papers, that the Proctors, &c. in Behalf of the Body, and the Heads, or some other Persons deputed by them, had an Hearing in *May 1572.* before the two Archbishops and some other Bishops, who, by a Letter dated *May 31. 1572.* amongst the same Papers (to the Chancellor probably, though it hath no Superscription) signify their Opinion of the Matter, that notwithstanding the Complaints of the Body, whose Proceedings they censure, *the New Statutes may yet stand without any GREAT CAUSE of Alteration*; but leave it however to him to make what Determination he thinks fit; But nothing appears to have been done farther by these Papers at that Time. About a Fortnight after, the Chancellor writes a Letter to the Vice-Chancellor, which is in that Collection, telling him, That "he has heard of the great Disputes and Disorders in the University, but not being sufficiently apprized of the Matter, cannot judge in whom the Original Fault is; (this is said after the two Archbishops, &c. had sent him their Opinion upon hearing both Sides) but the main Business of the Letter is to obviate a Report that he had heard, the Truth of which he is not certainly informed of, that the Senior Proctor had affirmed at a Congregation, that the Chancellor had ordered that there should be no Pricking for any Office, but in the Presence of Fourteen Heads (the Number of Colleges at that Time) or Presidents in the Absence of Heads; which Assertion of the Proctors had prevented the Choice of the annual Lecturers. He tells the Vice-Chancellor, that he had not given any such Orders yet, though he was disposed to make such an Order, and permits him in the mean Time to maintain the Observation of

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“ the Statutes, as they have been, for so he had been counselled by the
 “ said Archbishops and Bishops, and directs him to proceed in the same
 “ Method of Pricking, that had been observed the Year before.” But
 the Chancellor, some time after, in the same Year, did make such
 an Order, in a Letter to the Vice-Chancellor, &c. dated *Sept. 27. 1572.*
 See *Black-Paper-Book* in the Vice-Chancellor's Custody, Folio 167.
 That Presidents should supply the Place of absent Heads in Cases of
 Pricking (the Heads refusing to suffer which, was one of the Com-
 plaints of the Body) which Order has been observed to this Day.
 This is all that appears to have been done in relation to this Dispute;
 I presume there never was any formal Determination, only of this
 one Point, which was in Favour of the Body, but the New Statutes
 were *tacito Consensu* received.

But it is to be observed, that as the University had before upon
 Occasion taken the Liberty of dispensing by Grace with some of the
 Statutes in Queen *Elizabeth's* First Edition, no less than Six times in
 Four Years, as appears by the *Grace-Book*: One of the Graces, which is
 the most extraordinary, I have transcribed at large in the *Appendix*
Nº. XV.; So about a Year after this Struggle made by the Body to
 procure some Alterations in the Second Edition of Statutes, a Grace
 passed *June 23. 1573.* by which the Method prescribed by them for the
 Choice of Scrutators was altered, and the Scrutators are chosen to this
 Day, expressly against the Directions of these Statutes, according to that
 Grace. The Preamble to that Grace, (*Appendix Nº XVI.*) as in the
 Junior Proctor's Book, Folio 191, is very extraordinary, in which the
 University seem tacitly to disallow the Queen's Authority, and express
 themselves as if the Statute for the Choice of Scrutators had been of
 their own making. There were two other very remarkable Alterations
 made in 1580, expressly against the Directions of these Statutes, by
 Graces for that Purpose, Folio 192 and 193, of the Junior Proctor's
 Book; by one of which all Doctors have a Right given them to prick
 for Vice-Chancellor, &c. in Conjunction with the Heads and Presidents;
 (*Appendix Nº XVII.*) by the other (*Appendix Nº XVIII.*) the Heads are
 obliged to take their Turns in Preaching on Holy-days, and in the After-
 noon Course at St. *Mary's*. How long the Practice, authorized by these Gra-
 ces, hath been disused, I cannot say, but it is certain it has as good a Foun-
 dation as that of chusing Scrutators: Nay, in our Memory, not many Years
 since, the same Power has been exercised by the University, and Doctors.
 were by a Grace obliged to take their Course in Preaching on the State
 Festivals, which before, the Heads alone, and the Vice-Chancellor, used
 to provide for, expressly against the Appointment of Queen *Elizabeth's*.
 Statutes, which say, *Chap. xi. De Doctoribus Theologiæ. Post tantum la-*
boris susceptum, & tot pericula atq; examina, nolumus PLUS LABORIS
Doctoribus imponere, quàm IPSI VOLUNT SUA SPONTE. Whereas
 it

it is well known that many Doctors of Divinity complained against this Grace, but were concluded by the Majority of the Senate.

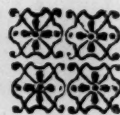
Though the University therefore did think fit to acquiesce under Queen *Elizabeth's* Statutes in the Main, at a Time when the Supremacy of the Crown was carried to its utmost Height, and when much greater Power was exercised by Virtue of it, than is now thought consistent with the Laws of the Land, especially since the Act for declaring the Rights and Liberties of the Subject, &c. *Cap. xxxvi. Primo Will. and Mar.*; Yet it is evident that they did think that they had a Right to alter them upon Occasion, notwithstanding her Prohibition in *Chap. xlii. ad finem. Eidem Cancellario cum consensu totius Academiae licebit nova Statuta—Sancire, sic ut ea his Decretis nostris nihil detrahant, aut officiant.* However as they have so long obtain'd amongst us, I shall not call their Authority in question, but leave it to the Wisdom of the University-Senate to consider, whether they have not the same Power now, with respect to those Statutes, at this Distance of Time, that their Predecessors exercised so soon after the making of them, in the Queen's Life-time, who gave them, certainly not without her Knowledge, though without her Consent; as far as appears.

Before I leave this Subject, I beg leave to obviate a Mistake, that some Persons, for want of duly considering the Words of an Act of Parliament, 13th of *Elizabeth*, for *Incorporating the two Universities, and confirming their Privileges*, have fallen into, *viz* That Queen *Elizabeth's* Second Edition of Statutes, given in the 12th of her Reign, are confirmed by that Act of Parliament: The Words that have misled them, are; "And be it further enacted, by the Authority afore-said, That the Letters Patents of the Queen's Highness most noble Father King *Henry the VIIIth*, made and granted to the Chancellor and Scholars of the said University of *Oxford*, bearing Date the 1st Day of *April*, in the 14th Year of his Reign: And the Letters Patents of the Queen's Majesty that now is, made and granted unto the Chancellor, Masters, and Scholars of the University of *Cambridge*, bearing Date the 26th Day of *April*, in the 3d Year of Her Highness's most gracious Reign. And also, All other Letters Patents, by any of the Progenitors or Predecessors of our said Sovereign Lady, made to either of the incorporated Bodies severally, &c. shall from henceforth be good, effectual, and available in the Law, &c." By which it is evident that no other Letters Patents of Queen *Elizabeth*, but only those bearing Date *April* 26. the 3d of her Reign, are confirmed by this Act; the other Letters Patents that are confirmed by it, are those of her Progenitors: So that though this Second Edition of her Statutes was given the Year before under the Great Seal, no mention being made of them in this Act, they rest only upon the Authority they first had.

It remains to assert the Authority of the Proctor's Books, the only Authentick Records of the Old Statutes, and, as exactly as the Distance of Time will permit, to fix the Antiquity of them. All the Old Statutes originally, no doubt, were single Graces, or Decrees of the Senate, passed at different Times, upon different Occasions, register'd at first singly, and afterwards, by the Authority of the University, collected into a Body. The Collection of Old Statutes in a Body, that now occurs in the present Proctor's Books, was undoubtedly made after 1495, and before 1505, for one of the Statutes in that Collection bears Date 1495, Folio 13. b. Senior Proctor's Book, which therefore must necessarily have passed before the Collection was made; and there are two Graces dated 1505, both passed *July* the 3d, the one entered Folio 89, the other Folio 47, of the Junior Proctor's Book; and several others after, of Dates near that Time, inserted in different vacant Places of both Books, where there was Room for them, all which would have been probably inserted in the Collection, had they passed before. When the first Collection of Old Statutes into a Body, was made, is hard, if not impossible to determine: But that there was one before 1402, is certain from the Fragment of an old Proctor's Book in the Custody of the Register; for the Fifth Statute in that Collection, *De Juramento & Obedientiâ Cancellarii*, which is also the Fifth in the present Proctor's Book, begins in that Fragment——*Cancellarius, cum ab Episcopo confirmatus fuerit*—— Whereas there is a Bull in *Markaunt's* Register, (who died in 1439.) *Quatern. B. Fol. 9. b.* a Book of great Authority, of Pope *Boniface* in the 12th Year of his Pontificate, exempting the Chancellor from the Bishop of *Ely's* Confirmation, which before that Time he was subject to: Now supposing this Pope *Boniface* to be the last of the Name, the 12th of his Pontificate could not fall later than 1402: That Collection therefore in that Fragment must have been made before this Exemption. The Beginning of the Fifth Statute, in the present Proctor's Book, is——*Cancellarius cum electus fuerit*—— the rest of the Statute is *verbatim* the same in both: The Learned Answerer therefore takes a very indecent Liberty, when he calls the Old Statutes, *Old Stuff, found only in two greasy Books, without Originals, without Vouchers, without any Security that they were true Copies.* Books of such undoubted Antiquity, as the Proctor's Books are, make Faith of themselves; especially since there is no other Register at all of the Acts of the University or Graces, now in being, before 1454.


If it be objected that, since the Collection of Old Statutes in the present Proctor's Books is supposed to have been made after 1495, we might expect to find all those Statutes that are in that Collection, which passed after 1454, in the Register of the University which began that Year, whereas none of them are to be found there. I answer, That I suppose that all Graces, that were design'd to have the Force of Statutes,

were always enter'd in the Proctor's Books properly so called, which are the only Authentick Records of them: And the Reasons that induce me to be of this Opinion, are, first, Because the Clause in such Graces requiring them to be entred within a certain Number of Days in the Proctor's Books, which continues to this Day, is very ancient; and also because I find several of those Statutes, that passed after 1454, and are now in the Collection of Statutes in the present Proctor's Books, in the old Fragment of a Proctor's Book before mention'd, stuck in at different Parts of that Book, as the Graces of 1505, and after, are in the present Proctor's Books, *viz.* One in 1456. another relating to the Composition between the University and *King's College*, which was made in 1456. a Third in 1464. another in 1483. and, in all Probability, had the Book been intire, they would all have been found there: And as all Graces or Statutes were enter'd in the Proctor's Books properly so called, so I presume they were enter'd in them by the Proctors themselves, agreeably to the Third Statute in the present Proctor's Books, who, it is probable, originally were Registers too by their Office; for in the two first Registers (which are likewise called Proctor's Books) that are now extant, *Alpha* and *Beta* as they are called, the Entries yearly seem to be in different Hands, and contain only the Proctor's Accounts, and Graces for Degrees, &c. from 1454 to 1501. after which *Beta* contains the Proctors Accounts alone. *Gamma* begins in 1501, and seems to be wrote till 1531, all, or the greatest Part of it, in the same Hand, I suppose *Hobbys's*, who was first *Bedellus Artium*, and afterwards in 1506, by a Grace, made Register too, and I believe was the first Person that was ever nominated by the University expressly to that Office: After him we find Registers appointed continually by Graces till Queen *Elizabeth's* Second Edition of Statutes, which are thought to empower the Heads to prick for that Office. *The whole Dispute is decided here, and no more need to be added; but out of Respect to the very Reverend and Learned Gentleman that drew up this Answer, every Paragraph of it shall be fully consider'd.*





REPLY to the ANSWER to the PREAMBLE.

Ad I.  HE Learned Answerer thinks the *Expression*, "Make it probable, comes short and rises not up to the Debate." I did not think it became me to be dogmatical in a Matter not capable of Demonstration: Though I was convinc'd my self, I was willing to suppose it possible, that I might receive some new Light, and that a Person, of so superior a Genius as the Learned Answerer, could not take up an Opinion so intirely new, without some Foundation for it; therefore I chose modestly to express my self: But I cannot see the Force of the Learned Answerer's Reason, why "probable falls short of the Debate," viz. For that Section, &c. Supposing it true, that *that Section was the sole Pretence*, which it evidently is not; (I having in my Fourth Argument, on a Supposition that that Section belonged to College Statutes, endeavoured to prove the Old Statutes to be still in Force): For in a Matter not capable of Demonstration, Probability is all that a reasonable Man can expect: The Learned Answerer will allow me to support this Assertion with a Passage taken out of the Third Chapter of the First Book of *Aristotle's Ethicks ad Nicomachum*. Πεπαιδευμένους γὰρ ἐστὶν ἐπὶ τοσούτον τ' ἀκριβὲς ἐπιζητεῖν καὶ ἕκαστον γένεσθαι, ἐφ' ὅσον ἢ τὰ πράγματα φύσις ἐπιδέχεται. Περὶ ἀπλήσιον γὰρ φαίνεται, μαθηματικῶς τε ΠΙΘΑΝΟΛΟΓΟΥΝΤΟΣ ἀποδέχεσθαι, καὶ ῥητορικὸν ἈΠΟΔΕΙΧΕΙΣ ἀπαυτεῖν. And if the Learned Answerer had consider'd this just Observation of that great Reasoner, probably, *Quod erat Demonstrandum* would not have been so often repeated in his Answer, when the Arguments which usher it in come short, and rise not up even to Probability.


If I have made it appear, that *Probable* was an Expression strong enough, I need not fear the Imputation of Rashness, though I should assume the Old Statutes, which the very Question supposes not to be a rude Heap of Stuff, which are one perpetual Contradiction to Her Majesty's System of Statutes: That rude Heap of Stuff being what *vel Scripturis sacris, vel Institutis, aut Statutis Reginae adversari videbitur*, and consequently supposed to be abrogated and rescinded. As to Queen Elizabeth's Statutes being accurately absolute and perfect, that Observation being frequently made use of in the Answer, I shall consider it in a more proper Place.

Ad II. But the Preamble is not done with yet: The Learned Answerer is at a Loss for the Meaning of the Words "principally if not solely;" I thought I had expressed my self intelligibly, and doubt not but that I shall be able to prove I had Reason for chusing that Expression rather than any other: In the mean time, I will examine the Reason the Learned Answerer gives for his Objection to the Expression, *viz. The same Clause, &c.* If the same Clause cannot have two Senses, yet it may be doubtful whether it has a larger or a more confin'd Sense; and *Statuta Omnia* may, without Absurdity, either extend to private College Statutes and publick Old Statutes jointly, or be confined to private College Statutes, or publick Old Statutes singly; and the Context, and other Reasons, must determine whether the Clause is to have the larger or the more confin'd Sense: There is no Obscurity or Absurdity yet prov'd to be in the Expression; the Learned Answerer goes on and tells us, That *All Queen Elizabeth's Statutes have one certain determin'd Sense*: If he had said determinable, I should have agreed with him, but still it may want to be proved which that *one certain Sense* is: From this weighty Objection he concludes, *That if this Clause does not solely relate to the Old Statutes, it relates not to them at all, neither principally, nor in the least part.* The Learned Answerer will give me leave to make use of two Passages out of the First Edition of *Queen Elizabeth's Statutes*, which he has applied to other Purposes, *viz. Omnia Statuta & Consuetudines, quæ istis adversari videbuntur, abrogata & rescissa sunt, reliquis suo robore permansuris,* in the Chapter *De Cancellarii Officio*, which the Learned Answerer has acknowledg'd in his Answer to belong to the University Old Statutes, and *Statuta Omnia & Compositiones quæ contra Scripturam sacram aut Regia Instituta aliquid faciunt, abrogata sunt,* amongst the Injunctions to Colleges, which I acknowledge to belong to Colleges. From these two Passages it clearly appears to have been *Queen Elizabeth's* Intention in her first Edition of Statutes, that both the Old Statutes of the University, and the Statutes of particular Colleges, as far as they contradicted her's, should be abrogated, but with an Express Reservation to the Old Statutes of the University, that those that did not so, should remain in full Force; which Reservation she did not think necessary to make with Regard to the Statutes of Colleges: Since therefore she uses almost the same Words in her Second Edition of her Statutes, that were confessedly apply'd before to the Old Statutes of the University in her First Edition, had I not Reason to say it was probable "that the Words are principally to be understood of the Old Statutes of the University?" And I add, by way of Caution, "if not solely," lest some Words being found in this Clause in her Second Edition, that were not in the Clause relating to the Old Statutes of the University in her first Edition, but in
that

that relating to College Statutes, should incline any one to think that Queen *Elizabeth* intended that this one single Clause in her Second Edition, should have the same Force and Extent that the other two had in her First.



REPLY to the ANSWER to the First ARGUMENT.

Ad I.  HE Learned Answerer, after playing a little upon the Word *Evident* in the Beginning of my first Argument, makes an Excuse for so *prolix* an Answer to so short an Argument, *viz.* That the Reader being *remitted* by me to the Statute-Book, and few Readers being possessed of the Statute-Book, he was obliged to be so: To which I Reply, That I designed my Paper for no Reader but himself, who was possessed of, or I knew could easily procure the Statute-Book; I therefore laid him under no Necessity of being *prolix*.

Ad II. But let us see to what Purpose his Prolixity has been. After telling us that Chap. L. is the last Chapter, and makes in Bulk a sixth Part of the whole Corpus of the Queen's Statutes, which it may for ought I know, I not having counted the Pages yet; he gives us a Catalogue of almost all the Members and Officers in Colleges, and says, Queen *Elizabeth* has said something about them, which is very true, though not much to the Purpose: But then he goes on and says, *She has controuled the Statutes of private Colleges in all these Particulars*; In that I cannot agree with him, for though she has enforced them in many Particulars, and added to them in others, yet she has controuled the Statutes of private Colleges in very few, if any, Particulars; And I remit the Learned Answerer, or any Reader, now to the Statute-Book, for the Proof of what I say; for I do not think that I am obliged to be so *prolix*, as to transcribe a Sixth Part of the whole Corpus of the Queen's Statutes: If then she has not controuled the Statutes of private Colleges in so many Particulars, as the Learned Answerer supposes, the 39th Section was not so *opportunely and graciously* added, as he imagines; and I need take no Notice of the Paraphrase he makes on it.

Ad III. The Learned Answerer proceeds, and *à Cathedrâ* interprets *Statuta Omnia*, as the very Title of the Chapter directs; which is a very uncertain Guide, it being usual to find in all Statutes and Laws whatsoever, Things of a quite different Nature under one Title; every one's own
Observa-

Observation must have furnished him with Instances enough of this sort, who has ever looked into our Acts of Parliament, or *Justinian's Code* or Digest. He then delivers one of the most extraordinary Criticisms I ever met with, viz. *Where-ever in this long Chapter, &c.* What? Is *Statuta omnia Statuta without Epithet*? I should have thought that *omnia* had as a good a Title to be called an Epithet as *his, iisdem, or prædictis*; but to wave that, let us examine how this Assertion is made out: His first Proof is from the 5th Section, part only of which he transcribes; but I have transcribed the whole Section in the *Appendix* (N^o. IX.) Here the Word *Statutis* being surrounded, inclosed, and wedged, in, as the Learned Answerer expresses himself on another Occasion, with *Collegiorum* on one Side, and *Collegiis* on the other, does necessarily evince that *Statutis* must mean Statutes of Colleges, without any help or hope from this pretended Criticism: So in Section 7. his next Proof—*COLLEGIA singula singulis diebus Veneris*—*Problemata PER STATUTA illis aliis diebus assignata*—the Word *Statuta* must necessarily mean the Statutes of the several Colleges, not because it occurs without Epithet, but because *Singula Collegia* preceding it in the same Sentence, determines the Sense of it: The last Instance the Learned Answerer produces to prove that *Statuta without Epithet means always College Statutes*, is from Section 27. —*Licebit Magistris* —*COLLEGIORUM*—*omnes illas pœnas exercere*—*quas aliquis Officiariorum illius COLLEGII per STATUTA EJUSDEM COLLEGII imponere possit. Vestram Fidem Quirites!* Does *Statuta* here mean College Statutes because it occurs without Epithet? Since therefore the Validity of the Learned Answerer's Argument to prove that *Statuta omnia*, in the 39th Section, must mean College Statutes, intirely depends upon *Statuta meaning always in this long Chapter College Statutes*, when *nudè & absolute positum*; it not appearing that *Statuta* is once *nudè & absolute positum* in this whole long Chapter: Notwithstanding any thing the Learned Answerer has yet said, the Words *Statuta Omnia* may relate to the Old Statutes of the University.

Ad IV. The Learned Answerer expresses here the same Dislike to the Words "natural to suppose," that he did before to "make it probable," and I remit him to what I there said in Answer to that Objection, as a sufficient Answer to this also: But the Learned Answerer asserts, that this Transition is so far from being evident, that he that reads those three Sections without Prejudice, will pronounce, that there is no such Transition at all there. If the Learned Answerer had been a little more prolix here, and transcribed all the Four Sections at large, which I have done in the *Appendix* to the Argument (N^o I.) for the Benefit of those Readers that are not possessed of the *Statute-Book*, the Merits of the Cause would soon have appeared: The Learned Answerer says, That
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the 37th and 39th speak about *Mulcts*, how they are to be divided, and whence to be raised; and asks, Whether this is not *College Business*? I reply, It is accidentally *College Business*, inasmuch as almost all Members of the University that are liable to them, are also Members of private Colleges: But I do assert that Queen *Elizabeth* is speaking here of the University Statutes, and of *Mulcts* to be imposed for the Breach of them, to be paid not out of the University Chest indeed, but into the University Chest, and does not so much as once name the Statutes of Colleges in these three Sections: Since therefore Statutes are mentioned but eight times in all the four Sections, and do undoubtedly mean University Statutes seven times, I must still beg leave to say, "It is more natural to suppose, that *Statuta*, in the 39th Section, was intended to relate to the Statutes of the University, rather than to those of particular Colleges."

Ad V. But I must not pass over the Learned Answerer's Interpretation of the Word *Sanctionibus* in the 40th Section, which he says means these *Injunctions to Colleges*, in the Lth Chapter of Queen *Elizabeth's* Second Edition of Statutes: Surely the Learned Answerer rallies when he says this; Queen *Elizabeth* says, *Siquid dubii vel ambigui in istis Statutis, & SANCTIONIBUS NOSTRIS*, in the 40th Section, and in the Section before *INSTITUTIS NOSTRIS*, aut *istis Statutis*; Can any one seriously think that the Queen meant by *istis Statutis*, the whole Corpus of Statutes, and by *Sanctionibus*, and *Institutis nostris*, a sixth Part of the whole Corpus? If so, *Sanctionibus*, and *Institutis nostris*, added to *istis Statutis*, would be superfluous and mere Tautology. *Quod est absurdum*; which is an Argument of his own, and must therefore have its Weight.

Ad VI, & VII. But the Learned Answerer is resolved to put it out of Doubt that it is not only natural to suppose, but necessary to conclude, that *Statuta Omnia*, in this 39th Section, means the Statutes of private Colleges; and for that Purpose refers us to Queen *Elizabeth's* former Body of Statutes, in which he tells us how the Injunctions to the Colleges begin, and transcribes a good Part of the five first Sections, and then, with an Air of Triumph proceeds to his Demonstration: Here the 5th Section, &c. The 5th Section here, is *Statuta omnia, & Compositiones, quæ contra Scripturam Sacram, aut Regia Instituta aliquid faciunt, abrogata sunt*. The 39th Section under Debate is, *Statuta omnia, Compositiones & Consuetudines, quæ Scripturis sacris, Institutis nostris, aut istis Statutis adversari videbuntur, abrogata & rescissa sunt, reliquis suo robore permansuris*. Will any one but the Learned Answerer say, That these two Sections are in Words and Meaning the same? But if the Learned Answerer had been disposed to have proved quite the Reverse

of

of what he has attempted to demonstrate here, he needed, only to have produced another Section out of another Chapter in those very Statutes that has been mentioned already, *viz. Omnia Statuta & Consuetudines, quæ istis adversari videbuntur, abrogata & rescissa sunt, reliquis suo robore permansuris*, which being nearer in Words, and meaning the same with the 39th Section under Debate, than that he has produced, and as much surrounded, inclosed, and wedged in with the prior and subsequent Sections, all relating to University Affairs, as that is with Sections relating to College Affairs; the Demonstration that the same Words Statuta Omnia, though not placed in the same Order, yet have the same Meaning, University Statutes, would have held at least as well.

Ad IX. The Learned Answerer thinks it a strange Assertion to say, that the Words "*Compositiones & Consuetudines* are much more applicable to the University than to particular Colleges;" and, on the other Hand, asserts, what is much stranger, That *they are not only less, but not at all applicable to the University*. But how does he make good this Assertion? Why, by proving that *Consuetudines may relate to Colleges*, and asserting, That *Compositiones does necessarily relate to them*. The proving that *Consuetudines* may belong to Colleges was unnecessary, for my saying that *Consuetudines* was more applicable to the University, was allowing that *Consuetudines may belong to Colleges*: But had it been ever so necessary, does the proving that *Consuetudines* may be applied to Colleges, prove that it may not be *at all applicable to the University*? If not, it proves nothing to the Purpose; much less does the bare asserting that *Compositiones must needs relate to Colleges*, prove that *Compositiones is not at all applicable to the University*: The two first Instances he brings of Compositions relating to Colleges, are at the same time Instances of Compositions relating to the University; for a Composition supposes two Parties at least, and a Composition between the University and a College is certainly as much a Composition relating to the University, as it is one relating to a College: And what does the Learned Answerer think of a Composition between the University and the Town, several of which have been? Are they Compositions relating to Colleges? But it is not easy to understand what Use the Learned Answerer would make of saying that *the University cannot make a Composition with it self*, which in some Sense is true, but in that, is nothing to the Purpose: The University, considered as one entire Corporation, cannot make a Composition with it self, any more than a Man can make a Bargain with himself: But the University consider'd as a Corporation consisting, of several Parts or Members, every one of which is a distinct Corporation; can make a Composition with one or more of these Corporations; that is, Fourteen or Fifteen Corporations may make a Composition with one or two other Corporations, and so by changing the Parties, the Compositions

fitions may go round, and the whole University may make a Composition with each College; of which sort that between the University and the several Hostels and Colleges in 1514, for the Nomination to the Proctorship, was one, and many more may hereafter be made: It is surprizing therefore that the Learned Answerer should think this Mistake of his about *Compositiones*, added to his unnecessary Proof that *Consuetudines may relate to Colleges*, another Demonstration that *Statuta omnia mean College Statutes*: It is indeed another Demonstration, that is, such another as his former was.


Ad X. The Learned Answerer is under some Difficulty what to say to these feeble Expressions, "That it may admit of some Doubt whether Queen Elizabeth, &c." I reply, He might as well have said nothing as what he has: What he has jumbled together about *Private Founders, Alms-Houses, Colleges, Corporations, Royal Power, Royal Favour*, and the *University*, is either not true, or nothing to the Purpose: It is not true to say, that to make an Alms-House a Corporation, Application must be made to the Royal Power for an Act of Parliament; 39 Eliz. Cap. v. revived and made perpetual by 21 Jac. I. Cap. i. enables private Persons so to do without such Application: And it is nothing to the Purpose to say that private Founders must have the Royal Licence to found a College; much less is it true to say, that, when that is obtain'd, *Private Colleges subsist by the Royal Favour*. They thankfully enjoy the Royal Favour and Protection, but they subsist by the Laws of the Land: And the Learned Answerer would do well to consider what may be the Consequences of the Doctrine he has advanc'd here. If *private Colleges subsist by the Royal Favour*, and if, as he asserts in another Part of his Answer, *The prior Statutes of all private Colleges vanish at the very Appearance of a Body of Statutes given by the Crown under the Broad Seal*; What Security can any private College have of subsisting for an Hour? Since it is in the Power of the Crown every Moment to alter the very Constitution of it, and by a new Body of Statutes, to dissolve all the Obligations the former had bound upon the Members of it, and rob them at once of all the Privileges they had intitled them to. We cannot indeed be under any Apprehensions of any Designs of this Nature in his present most gracious Majesty's auspicious Reign; but as every Body has heard, or remembers, what Attempts were made to break through the Statutes of private Colleges in a late unhappy Reign, which in future Ages may possibly, if such crude Notions find Encouragement, be renewed; the Advancers of them must expect to meet with the utmost Resentment and Indignation from all those who wish well to those Bodies, and to the late happy Revolution, which was the glorious Consequence of Principles quite the Reverse of these. Again, It is not true to say that *the University, a general Corpo-*

ration made up of Sixteen private ones (I suppose he means that at the Time when it was made a Corporation by Act of Parliament, it consisted of Sixteen Colleges, which is a Mistake, there being then but Fourteen) *is totally a Creature of the Crown*: And it is nothing to the Purpose to say, that *the Crown might have put what Terms and Conditions were thought fit to the Incorporation of the University*.

Any one that reads the latter Part of this Paragraph, would imagine that Queen *Elizabeth* had solely, by her own Authority, incorporated the University, and made it the Condition of her Incorporation, that all private Colleges should submit to have their private Statutes altered as she thought fit, and that they all thankfully consented to this by an Instrument under their respective common Seals: Whereas there is not the least Shadow of Truth in all this; First the University was incorporated (*Albeit an ancient Corporation before*. Co. Institut. Vol. 4. Page 227.) by Act of Parliament, not by Queen *Elizabeth*'s Authority solely; in the next Place, without any Terms or Conditions at all on their Part; and lastly, though Queen *Elizabeth* had given the University a Body of Statutes *Primo Regni sui*, and a Second Edition of them the Year before this Incorporation, in which she does take upon her to prescribe to private Colleges; yet no one, before the Learned Answerer, I believe, did ever pretend to say, that this was done with the Consent of private Colleges, much less that this Consent was made the Condition of the subsequent Incorporation of the University: And I presume the Queen could not legally have insisted on such a Condition. Private Colleges are not incorporated into the University as distinct Corporations, but as Members of one and the same Corporation, the Body of the University: And by Virtue of that Incorporation they are made capable of peculiar Obligations and Privileges, which have no Relation to, and ought not to affect their other Obligations and Privileges, which are the Result of their private Incorporation: Besides, when the Crown, by the Royal Licence, has once impowered private Founders to found Colleges, and give them Statutes, and appoint Visitors, for their good Government, I submit it to the Learned in the Law, whether it can ever after legally exert any Fundatorial Power over those private Colleges, that by Virtue of that Royal Licence have both Statutes and Visitors: I do therefore now say, that it not only *may admit potentially*, but *actually* does admit of some Doubt not *inconsiderably small*, but considerably greater than the Learned Answerer has been able to clear up, "Whether Queen *Elizabeth* had Authority, &c." And for a farther Proof of her wanting such Authority, I appeal to the Practice in all Colleges; for though some Colleges may take the Advantage of some of the Prescriptions or Injunctions in Chap. L. I am persuaded no one does, or ever did, observe them all.



REPLY to the ANSWER to the Second ARGUMENT.

Ad I.  HE Learned Answerer cannot *concede* that Statuta Omnia, in the most obvious Sense, mean the Old Statutes: I am sure his Demonstrations have not proved the contrary, and I submit it to the impartial Reader to determine which of us two have shewn the greater Regard to the Judgment of our Predecessors, and consequently paid the greater Compliment to them. The Learned Answerer makes himself very merry with my saying that the Old Statutes have been carefully preserved; what Effect his Merriment has had upon others I cannot say, but had his Wit been politer or keener than it is, Truth would have continued the same; and I do, in despite both of his Wit and his Argument, still assert "That the Old Statutes have been carefully preserved, and that their having been so, is an Argument that they were thought to be in Force." He thinks he ridicules my Argument when he says, *Because some old Vellum was kept, &c.* But, by the way, this is allowing that the Old Statutes have been preserved; and I will prove that they have been carefully preserved notwithstanding his Objection in the next Paragraph: As to what he says of *Trinity-College* Statutes, I shall consider that fully when I come to another Part of his Answer, where he says more about them: But at present, supposing what he says to be true of *Trinity-College* Statutes, What is it to the Purpose here? He is to prove that the Old Statutes of the University have not been carefully preserved, or if they had, that That would have been no Argument of their being thought to be in Force: And I suppose he brings the Instance of *Trinity-College* Statutes to prove that Statutes may be carefully preserved, and yet not thought to be in Force; But does it follow, because *Trinity-College* might preserve their old Statutes out of Curiosity, supposing them not to be in Force, that the University did not preserve theirs, knowing them to be in Force?

Ad II. He succeeds no better when he attempts to prove that the Old Statutes of the University were not carefully preserved: *They were extant in the Proctor's Books alone, &c.* To which I Reply, That probably the Proctor's Books were originally the only Authentick Records of the Statutes, (which I have endeavoured to prove in my Introduction to this Reply.) The Old Statutes therefore *being extant in the Proctor's Books alone*, if those Books were the only Authentick Register of them,

surely is no Argument that they have not been carefully preserved : But the Learned Answerer urges that they *even there were not Duplicates*, &c. When we speak of the Old Statutes, we generally mean the Collection of them in a Body in the Proctor's Books, not but that those other Graces or Statutes, that passed after that Collection was made, before Queen *Elizabeth's* Statutes, may, and do, sometimes bear the same Name : Now as to the former, there are and have been, for some Centuries, Duplicates of them in the Proctor's Books : It is true, that since the Office of Register has been divided from the Proctor's Office, there has not been that Care taken that ought to have been in entering the several Statutes since made by the University ; (and it would be a Work worthy the Wisdom of the University-Senate, to revise all the *Grace-Books*, &c. and insert out of them all those Statutes that have passed at several Distances of Time, and are still in Force, into the Proctors Books, or some other Authentick Register, that all the Members of the University might have the Convenience of viewing the whole Body of Laws, they are to be govern'd by, together ; many of which now lie so dispersed, that Nineteen Parts in Twenty of the whole University have never so much as seen them : But I beg pardon for this Digression, and return) And the Transcribers have been so lazy sometimes as to insert some Graces in one of the Proctor's Books only : But it is so far from being true that *half of the Old Statutes, if either of the Proctor's Books had miscarried, had sunk in Oblivion*, that, if we take the Old Statutes in the most common Acceptation, not one of them would have *sunk in Oblivion* ; if in the other less common, perhaps Twenty or Thirty, out of several Hundreds, might have *sunk in Oblivion* ; there being, I am persuaded, not more than that Number of which there are not Duplicates, either in both Proctors Books, or in one Proctor's Book, and the *Grace-Book*, or some authentick Register : But after all, if there being but one authentick *Exemplar* of any Act be a sufficient Argument to prove that that Act is not carefully preserved, it will prove that most of the Records in the Tower, the *Journals* of the *House of Lords*, and *Commons*, and almost all the Records in the Kingdom, are not carefully preserved ; which is no Compliment to the Wisdom of the Nation : Since therefore the University, in the Main, has taken more Care in preserving their Old Statutes, by having Duplicates of them, than is ordinarily taken of any Records in the Kingdom, I may venture to affirm that the Old Statutes of the University have been carefully preserv'd, nay *extraordinarily* carefully preserved.

Ad III. But the Learned Answerer has not discharged all his Wit yet, therefore, in the next Paragraph, he asks, with a Sneer, *Pray in what Company were they kept ?* and is ready to answer himself ; *Bound up, &c.* The Old Statutes being *bound up with an old Popish Calendar*

is no Objection to their Authority ; the Bible probably has been bound up with an old Popish Calendar, yet surely the Reverend Answerer will not say the Authority of it is lessened thereby : Not to mention that the Popish Calendar will always have its use, to fix the Days which are distinguish'd by the Names of Popish Saints, which Distinctions are still made use of, in many Cases, by Protestants, though they do not believe the Popish Legends about those Saints. Queen Elizabeth in Chap. xxxv. of her Second Edition of Statutes, *De Electione Procuratorum*, says, *Electio autem Procuratorum postridie Dionysii erit*. If our Almanack should happen not to have so much of the Popish Calendar in it, as to tell us St. Denys's Day is the 9th of October, whence should we learn what Day *postridie Dionysii* is, but from the Popish Calendar ? And as to their being bound up in the Proctors Books, (for that he must mean, he having said, in the preceding Paragraph, that the Old Statutes were extant in the Proctors Books alone) with two absurd and ridiculous Legends of two Founders of the University, *Gurguntius* and *Cantaber*, that happens not to be true, those Legends not occurring in either of the Proctor's Books, much less *Duplicates* of them ; but he was not willing that his various Lecture *Gurguntius*, alias *Garagantua*, should be lost, tho' perhaps it is thrown away upon great part of his Readers, I mean those Divines that have not studied *Rabelais* : But if he had not been mistaken here, Is it necessary that all that is bound up together should be of equal Authority ? Will the Reverend Answerer say the Story of *Bel* and the *Dragon* is as Canonical as the rest of the Bible, or the rest of the Bible as Apocryphal as the Story of *Bel* and the *Dragon* ? Or does our Predecessors believing Legends, supposing, but not granting, they ever did believe the Legends of *Gurguntius* and *Cantaber*, incapacitate them for making Laws obligatory upon us ? if so, by the same Reasoning, all the Acts of Parliament made by our Popish Ancestors, are at once repealed : Or does the University, by allowing the Authority of the Laws made by our Predecessors, at the same Time subscribe to their Articles of Faith ? Is there any Shadow of Wit therefore, or Colour of Reason, in saying, That if the Proctors, &c. ? If the Learned Answerer will allow me to guess, as well as himself, the Design of the Proctors carrying the Statute-Books about with them, seems to be, that they being principally, most frequently at least, concerned to see them executed, might have them at hand to consult upon all Occasions, the better to know and perform their own Duty, and see that others did the same ; as the Jews were commanded by God himself, *To bind their Law for a Sign upon their Hands, and that it should be as Frontlets between their Eyes* : Besides, they might be thought safer, and less liable to be corrupted, if constantly under the Care and Custody of two principal Officers of the University, than if under the Inspection only of a School-keeper ; which may be the Reason why the Lord-Chancellor always carries the Great-
Seal

Seal about with him, where-ever he goes, both that he may be ready always to execute the King's Pleasure, and also, that it may not be clandestinely set to any forged Instrument, as it might possibly be, if at any time out of his Sight.

Ad IV. The Learned Answerer, in the next Paragraph, assigns a Reason by Conjecture only, why the Old Statutes *were continued in the Proctors Books*, viz. *The greater Part of those Books, &c.* which, at best, is but a precarious one ; but the Books have evidently been new bound, and perhaps more than once, as appears by the Margins being pared, and what was written on them in some places partly cut off: The Covers probably are the same they were at first, but the Backs have manifestly been made wider than at first ; so that it is very doubtful whether there was any *clean Vellum not written upon* in them, when Queen Elizabeth's Statutes were first given: For any thing he knows to the contrary they were then enlarged for the Reception of those Statutes. If it should happen to have been so, there is a new Argument to prove, that it was the "received Sense that the Old Statutes were still in Force."

Ad V. The Learned Answerer next endeavours to prove this Guess of his *not improbable* by another Guess, which probably is a wrong one, though it begins with *No doubt ; No doubt, the Vice-Chancellor, &c.* For it does not appear that the Vice-Chancellors ever had an authentick Copy of the Old Statutes in their Custody ; and it is more probable that they had not: The Proctor's Books, as I have shewn already, were the authentick Registers of all Statutes ; and there is no Reason to think that the Vice-Chancellors had always Copies of the Old Statutes, as they passed formerly, since it is not usual for them to have Copies of the Statutes that pass by Graces now. If any Vice-Chancellor pleases to have a Copy of any Statute, no doubt he may order it to be transcribed, and so any former Vice-Chancellor might have done ; but it is not a thing of Course to have such Copies, nay, it is very rarely done now ; Why therefore should we suppose it certain that it was constantly done formerly? It is pretty certain that the Vice-Chancellor had no authentick Copy of the Old Statutes at the Time of King Edward the VIth's Visitation in 1549 ; for it appears by MSS. *Miscellanea P. Fol. 490, &c.* in CCC. Library, that, in pursuance to an Order of the Visitors, requiring the University, and the several Colleges, to deliver up their Statutes to them, the Proctors, though the Vice-Chancellor was present, gave up their Books to the Visitors, at their first Sitting in *King's-College Chapel*: Whereas it is very reasonable to suppose, that if the Vice-Chancellor had then had an authentick Copy of them, he would either solely have delivered up his, in the Name of the University, or at least he would have deliver'd up his, at the same Time the Proctors did theirs: But if we were to allow

allow that the Vice-Chancellor once had a Copy of the Old Statutes, Does it follow that because it is not now in being, that some former Vice-Chancellor, *knowing the Old Statutes were abolished, gave it to be sliced into Taylors Measures?*

Ad VI. His next Paragraph begins, *And this is another Demonstration, &c.* Now it is not clear what it is that the Learned Answerer would have pass for a Demonstration here; whether his first Guess, or his second and third Guess, in Support of that, or his Observation on his second and third Guess, or all together; but it is not very material which he means, since all put together will go but a little way towards a Demonstration. Let us lay the whole Argument, Demonstration, or whatever it is to be called, together, and observe the several Gradations of it: He first guesses that Queen *Elizabeth's* Statutes were wrote into the Proctor's Books, only because there was Room for them there, and the University was not willing to be at the Charge of new Books, or new Binding. To make this first Guess appear no improbable one, he takes it for granted that the *Vice-Chancellors had a Copy of the Old Statutes in their Custody, as well as the Proctors; and that the then Vice-Chancellor, after the Reception of Statutes from the Crown, knowing the Old Statutes were abolished, gave his Copy away to be sliced into Taylors Measures.* His Guess, supported by these two arbitrary Suppositions, becomes, in the next Paragraph, *another Demonstration, That it was not then the received Sense, that those Old Statutes continued in Force:* For since the Vice-Chancellor's Copy was sliced into *Taylors Measures, the Vice-Chancellors never had them in their Custody; and it is not to be conceiv'd that the chief Magistrate should for Ages have never seen the GREATER HALF of the Statutes.* I thought two Halves had always been equal to each other; and surely the chief Magistrate might have seen, and even read, the greater Part of the Statutes, though he had not always a Copy of them in his Custody: But after all, supposing the Vice-Chancellors once to have had a Copy of the Old Statutes, and that it is not known what became of it, since the present Vice-Chancellor's Book is of late Date, and certainly not that in which Queen *Elizabeth's* Statutes were first transcrib'd for his Use, How does the Learned Answerer know, but that the first Copy of Queen *Elizabeth's* Statutes, which by the express Direction of them the Vice-Chancellor was to have, was added to the then Vice-Chancellor's Copy of Old Statutes in the same Book? As the Copies which, by the same express Direction, the Proctor's were to have, were undoubtedly added to the Old Statutes in their Books: Nothing however can be more precarious than his Guesses, nor more inconclusive than his Demonstration; and the Learned Answerer must suppose his Readers *endowed with a great Alacrity for Conviction,* to obtrude such groundless Conjectures on them for Demonstration.

Ad VII.

Ad VII. The Learned Answerer says, *The Remainder* of my Argument may be answered at once ; and his decisive Answer is, That *all the Instances there produced are about Juramenta, Oaths* ; the present Forms of which he allows are *very near the same that do occur in the Old Statutes*, but denies that they “ have no other Foundation than the Authority of those Old Statutes : ” And his Reason for denying it is, because the University, by the Powers given them by Queen Elizabeth, Statute XLII. *might continue them ; might continue potentially, but not actually, not hinted whether they did or no ?* Besides, I am not speaking of the Forms of the Oaths, but of the Matter and Substance of them : Indeed he does affirm, That *two Oaths were received into Practice out of those Old Statutes, not before Anno Domini 1645.* And concludes, *Those two therefore, and all the rest, &c.* For the Truth of the Fact, about the two Oaths, he refers me to the Vice-Chancellor’s Book. I chose to consult the *Grace-Book*, and the *Proctor’s Book*, in both which I find two Graces, relating to two Oaths, though the former seems to be superseded by the latter, which I presume are those he means, there being no other passed that Year, relating to any such Matter : But these two Graces are so far from answering the Purposes they were produc’d for, by the Learned Answerer, that they may, without any Force, be turn’d directly against him ; (not to mention, in the first place, that it does not appear that the Oaths prescribed by those Graces were ever received into Practice, I am sure they are not administer’d now ; and in the next place, that they certainly were not taken out of the Old Statutes, as is evident from the whole Tenor of the Graces, which are Dispen-
sations with the Penalties of the Old Statutes, or unnecessary Additions to them : See *Appendix N° XX, XXI.*) For this appears from the Preamble of them both, that some of the other Oaths usually administer’d were taken out of the Old Statutes, as contain’d in the *Proctor’s Books*, and that their Authority rested solely on them, not on any fancied Adoption or new Vivification, for had there been any such, no doubt those Graces would have referred to that, and not to the Statutes, as in the *Proctors Books*. If these Oaths therefore were not adopted and en-
livened anew, his Consequence, that the rest were, has no Foundation. I agree with him, that *they are all alterable by the same University Authority* (not that at first, by a delegated Power, retained them, for that is *gratis dictum*, but) that first enacted them : And if the Wisdom of the University-Senate finds any thing *ridiculous and absurd*, or obsolete, in them, no doubt they will, from Time to Time, alter them, and add to them also, if they are defective ; both which they have formerly done. In 1629, the same Persons that the Year before had the Care of comparing, &c. the *Proctor’s Books* committed to them, were also im-
powered, by a Grace (*Appendix N° XXII.*) for that Purpose, to examine
the

the Oaths taken at Admission to all Degrees, and expunge what they certainly found to be antiquated and abolished: But nothing having been done in pursuance of that Grace, it was renewed in 1646. and there being two or three Clauses wanting in several of the present Forms of Oaths, that are in those that occur in the Proctors and other authentic Books, which Forms we are assured were in use after Queen *Elizabeth's* Statutes, since they contain some Clauses out of those Statutes; it is probable that they were struck out, at that Time, by the Authority of this Grace; and some Clauses taken from the Old Statutes being still retained, as being neither antiquated nor abolished, is an Argument that the Old Statutes that prescribed them were then thought to be in Force: Besides, the Payments prescribed by this Grace being the same that are now paid by all Persons matriculated and admitted to Degrees, for a printed Copy of the Oaths they take, is a Proof that the Printing of the several Forms of Oaths is to be dated also from that Time: And as the University-Senate have exercised the Power of altering the Oaths, so they have of adding to them upon Occasion; One Clause was added to the B. A's Oath in 1628; two more, one to that of B. A. the other to all Graduates Oaths, though neither perhaps ever admitted into Practice, in 1645, which the Learned Answerer has taken Notice of; another relating to the Library in 1683, and another in all Oaths, in May last, about Compounders: All the other Clauses in the several Oaths, excepting some few taken out of Queen *Elizabeth's* Statutes, are founded on the Authority of the Old Statutes alone, which as they were administered to the several Graduates before Queen *Elizabeth's* Statutes, so they have been ever since continued by the Authority that first enacted them, without ever being *adopted* or *enlivened* anew: Nay, it is by the Authority only of the Old Statute, *De Admissione ad quodlibet Officium*, that the Vice-Chancellor, Proctors, and several other Officers are obliged to take the Oaths they do, to discharge their several Offices faithfully, Queen *Elizabeth's* Statutes being silent in that Respect: And it is not to be imagined but that Queen *Elizabeth* would have made some Provision her self in that Respect, if she had intended to abolish all the Old Statutes by her own: Nay, whoever will be at the Pains to consider the ordinary Transactions in the University, and to examine how few the Directions are which Queen *Elizabeth's* Statutes give about them, will be convinced that scarcely any one can be regularly performed without admitting the Old Statutes to supply the Omissions of Queen *Elizabeth's* Statutes; and, consequently, that it could not be her Design to abolish all the Old Statutes.

REPLY to the ANSWER to the Third ARGUMENT.

Ad I & II.



THE Learned Answerer grants that Queen Elizabeth's Statutes do sometimes refer to some of the Old Statutes, but not "as being still in Force, there lies the Error, he says, and this long Paragraph, &c." Where the Error lies, and on which Side, the continued Series of one and the same false Reasoning is to be charged, let the Reader judge. I endeavour to prove that Queen Elizabeth's Statutes suppose some of the Old Statutes to be still in Force, by a Passage cited from Chap. xix. of those Statutes: In Answer to which the Learned Answerer says, That she meant no more, by *De Libro Statutorum*, than her own Book of Statutes, &c. And this he calls another Demonstration that the Old Statute-Book was abolished. Is there one Word of Argument in this Paragraph? Because Queen Elizabeth might, if she had pleased, have called her Statutes *Liber Statutorum*, and did call them *Statuta hoc Libello conscripta*; Is it therefore necessary that *Liber Statutorum*, where-ever to be met with in Queen Elizabeth's Statutes, must mean her Statutes alone? I allow her Statutes might properly enough be called *Liber Statutorum*, but I affirm that by the Words *Libro Statutorum*, in the Passage before us, she meant the Statutes in general, Old as well as New, otherwise the Practice of reading several Passages out of the Old Statutes has no Foundation; and as to the Objection, That if she had meant both Statutes, she must have said in the Plural, *De Libris*, &c. the plain and direct Answer to that is, That the New Statutes, in Fact, were added in the Proctor's Book to the Old, as he himself has acknowledged in his Answer to my former Argument, and both together make but one *Liber Statutorum*; and probably this was done, if not by the Direction, agreeably at least to the Intention, of the Compilers of the Statutes; for since they had ordered that each Proctor should have a Copy of them, who had each of them, at that Time, a Book of Old Statutes, by Virtue of their Office, in their Custody, they could scarcely be supposed to mean any thing else, but that these New Statutes should be added to the other in those Books: And since it was the Proctor's Business to read *De Libro Statutorum*, Out of what Book should he read but his own? It would have been absurd therefore for the Queen to have said in the Plural, *De Libris*: I am aware that it may be urged, that even in this Case she must have said, in the Plural, *Libris*, there being two Proctor's Books;

Books ; but, I presume, it will be a sufficient Answer to say that a Man cannot well read out of two Books at a Time.

Ad III. In the next Paragraph the Learned Answerer would prove, that *Leges Academiae extend no farther than to her own Statutes, &c.* And he fetches his Proof, of this too, from her Preamble, because *she calls her own Statutes Leges*; and he leaves *those who will delve in such Rubbish, to enquire whether the old Statutes dignify themselves with the Name Leges.* He might have saved himself the Trouble of proving that Queen Elizabeth's Statutes might properly be called *Leges*; and to ease me of the Trouble of *delving in Rubbish*, I suppose, he has furnished me from his own Answer, with a Proof that the Old Statutes might properly be called *Leges* also. His first Quotation from Queen Elizabeth's Preamble is *LEGUM & Statutorum vestrorum nova quædam dispositio*; where *Legum Vestrarum* as certainly means the Old Statutes, as *Legum Nostrarum*, in his Fourth Quotation, mean Queen Elizabeth's: So that there is no false Reasoning yet on my Side; but if the Learned Answerer is not willing that his own Quotation should be turned against him, let him consult the Passage already transcribed by me in the Introduction from the Preamble of Queen Elizabeth's first Edition of Statutes: *Ut siquid absurdi in LEGIBUS vestris*—And I hope he will be satisfied that though the Old Statutes should not dignify themselves with the Name of *Leges*, Queen Elizabeth, whose Authority I presume he will not dispute, has dignified them with that Title.

Ad IV. By the Mistake of the Transcriber, my two Proofs that I bring for the Pertinency of my first Quotation, from Chap. xix. of Queen Elizabeth's Statutes seem to be made two new Arguments; I need therefore take no Notice of what the Learned Answerer says in Answer to my first Proof, the whole Strength of which rests on this false Reasoning, *à Posse ad Esse*: The University might, therefore they have, which is the perpetual Error throughout the whole Answer.

Ad V. And it not being at all material to the Point in question, whether Queen Elizabeth enacted anew the important Custom of *Scio, Credo, Nescio*, or referred to it "as still in Force," this Observation being made use of to prove *ex abundanti* what was sufficiently proved before; I shall not enter into so Important a Disquisition at present as the adjusting the Sense of the *Imperative Mood*, and that of the *Participle* in *Dus*, would admit of; but leave the Observation to shift for it self; though, by the way, the Learned Answerer seems to have mistaken the Construction of that Part of the Sentence, joining the Words *Secundum morem Scholarium in Scrutinio*, to *admittatur*, which evidently belong to the preceding Words, that Branch of the Sentence being to be pointed thus,

Modo majorem partem præsentium de Scientiâ & Credulitate habuerit secundum morem Scholarium in Scrutinio, admittatur.

Ad VI. The Learned Answerer himself seems to have mistaken my Meaning in my Second Argument, which being owing perhaps to my not expressing my self clearly enough before, I beg leave to do it now: The Quotation was, *Quicquid Statutis nostris, VEL ACADEMIÆ, &c.* To this, I say, the Words "*vel Academiæ*" must mean the Old Statutes; no Statutes, made by the University since Queen *Elizabeth's*, having given the Chancellor any Power: By which I meant, that since the Vice-Chancellor does do several Things that Queen *Elizabeth's* Statutes did not require or empower the Chancellor or him to do, all which the Chancellor is required or impowered to do by the Old Statutes, there having been no Power given the Chancellor by any Statute made by the University since, "*vel Academiæ*" must mean, must necessarily extend to the Old Statutes; otherwise, How should the Vice-Chancellor think himself obliged, or impowered, to do what the Old Statutes empowered the Chancellor alone to do? My Argument was Enthymematick; I suppressed that Proposition, which I imagined the Learned Answerer was sufficiently apprized of, *viz.* That the Chancellor does many Things which Queen *Elizabeth's* Statutes do not require or empower, &c. If I had said the Vice-Chancellors, for the Time being, from the making of Queen *Elizabeth's* Statutes to this Day, having continued to do several Things which the Old Statutes direct the Chancellor alone to do, about which Queen *Elizabeth's* Statutes are altogether silent; the Words "*vel Academiæ*" must mean the Old Statutes; or the Vice-Chancellors, for the Time being, must be supposed to have acted all along without Authority, which is absurd: I was aware, that a Cavil might be raised, That these Powers might have been revived, and given anew to the Chancellor, by some subsequent Statutes of the University, and consequently that the Vice-Chancellors might exercise them, not by the Authority of the Old Statutes, but by Virtue of these new subsequent Statutes, in Conjunction with this Clause of Queen *Elizabeth's* Statutes: And to obviate such a Cavil, I expressed my self as I did: The Words "*vel Academiæ*" must mean the Old Statutes; no Statutes since made by the University, having given the Chancellor any Power. I beg Pardon for being so obscure before as to want so long an Explication: But the Learned Answerer, on the contrary, asserts, That the Words "*vel Academiæ*" neither have nor can have "*that Meaning*: Statuta Nostra are the Queen's Statutes, Statuta Academiæ are subsequent Statutes, &c." And he is very copious in his Instances, to prove, that Graces made by the Senate with an Intention that they should have the Force of Statutes, are, and may be called, *Statuta Academiæ*, which I never did deny: But does that prove that

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Statuta Academiae neither do nor can ever mean the old *Mumpsimus* also?

Ad VII. What the Learned Answerer says, in the next Paragraph, as far as it is founded on his mistaking my Meaning, I shall pass over, observing only, that to make what he did not rightly understand appear ridiculous, he inserts the Word *New*; "Having given any *New Power*," my Words being, "Having given any Power." The Learned Answerer supposes, *That as I have not, so I will not hereafter cavil about the Present Tense Attribuitur, &c.* He is aware that this would be no Cavil if insisted on; but as I did not before, so I will not now insist on it: I was to prove that "Queen *Elizabeth's* Statutes do mention and refer" to some of the Old Statutes, as still in Force;" and it was sufficient for that Purpose, to prove that *Statutis Academiae*, in the Passage before us, must necessarily extend to the Old Statutes; whether exclusive of any new Ones that might be made hereafter by the University or not, was out of the Question: Therefore I did not concern my self about the *Present Tense Attribuitur*, whether it did or might comprehend the Future too, or not, nor shall I now, but leave it to the Speculation of the curious Reader: Though, I think, the Learned Answerer cannot consistently with his Notion that he afterwards advances, about the *Ballance of Power* being so fixed by Queen *Elizabeth* that no Authority can alter it, suppose the *Present Tense Attribuitur* to comprehend the Future too: For that would be to suppose it in the Power of the University to give more Authority to the Chancellor than Queen *Elizabeth* has given him, and consequently to alter that fixed *Ballance of Power*; and such a Supposition would subvert his own Argument, that he lays so much Stress on afterwards.

Ad. VIII. The Learned Answerer, before he leaves this Argument, expresses a Tendernefs for the Liberty and Interests of the Body, and cautions them against contending for the Old Statutes for fear of Consequences, which some Persons have no Reason to thank him for supposing may ever happen, and which they that have read, and understand the Spirit of the Old Statutes, have no Reason to be in the least apprehensive of: It is well known that a boundless Power in the Vice-Chancellor is not to be built on the Old Statutes: If that be ever to be erected; the Materials for it must be fetched from Queen *Elizabeth's* Second Edition of Statutes, compiled by Dr. *Whitgift*, Master of *Trinity-College*, and some other Heads.

Ad IX. My Third Argument, to prove that Queen *Elizabeth's* Statutes suppose the Old ones to be still in Force, is drawn from the Queen's saying so little of Matriculation in her Statutes: The Learned Answerer,

Answerer, upon consulting his *Lexicon* or *Glossary*, finds, that *Matricula* signifies a Catalogue; then he gravely asks, *Did Matriculation want to be defined or directed, &c.?* 'Tis only a Catalogue—*Matricula* indeed is only a Catalogue, but Matriculation is entering a Name, &c. in a Catalogue: But what is this to the Purpose? No-body ask'd the Etymology of the Word: I say, "Queen Elizabeth's mentioning Matriculation so slightly, and giving Directions only in two Particulars about it, evidently supposes the Old Grace or Statute for Matriculation to be still in Force." And does it not? No, he says, *The Queen determines the Fees, what Proctors should receive, and what Sizars should pay*: What then? Is No-body concerned in Matriculation, but the Proctors, and the Sizars? Since they are, Where shall we learn what they are to receive or pay, together with many other Circumstances belonging to Matriculation, but from the Old Statute, which gives particular Directions in all those Respects? But he queries farther, *Whether there is such a Grace extant in the Old Statutes?* If he means that it is a Doubt whether this Statute makes a Part of the Collection of the Old Statutes, that Doubt is cleared up by acquainting him, that this Statute was made several Years after the last Collection of Old Statutes, and therefore could not be in that Collection: But if he doubts whether there ever was such a Statute extant at all or not, I refer him to the Junior Proctor's Book, *Fol. 100. a.* and to the *Black-Paper-Book*, in the Vice-Chancellor's Custody, *Fol. 14.* in both which he will find the Statute *De Censu agendo* (or *De Matriculatione*) which was made by the Vice-Chancellor, and Heads, or Presidents of Colleges, and the two Proctors, in 1545, in pursuance of the Powers given them by a Grace in 1544. See *Grace-Book Delta*, Folio 8. *b.* transcribed in the Appendix, N^o XXIII. when he has considered that Statute *De Matriculatione*, he will be able to determine where the perpetual Error lies, and whether Matriculation is solely due to the New Sanction of the Queen.

Ad X. The Learned Answerer next considers my Argument drawn from *Chap. xlv. Stat. Eliz. de Oratore*, in which she supposes such an Office to exist, but gives no Description of it, nor makes any Appointment for the Salary. The Learned Answerer seems a little puzzled at first, but he soon recovers himself, and roundly asserts, That the Office of the Orator is sufficiently defined and described in the very Name—as before Matriculatio—Just as sufficiently, and no more, viz. *Orator Academiae* is *Orator Academiae*. But he enlarges upon this, and, out of his own Head, tells us what an Orator is, and is not to do; and then irrefragably concludes, such an Office, so closely limited and circumscribed, needed no other Description than the bare Name: It is surprizing how the Learned Answerer came to forget to add, *Quod erat Demonstrandum* at the End of this.

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But supposing not only the Learned Answerer, but even the whole University, so sagacious, as from the Name alone, to form an exact Idea of all the Branches of the Orator's Office; Will *the very Name* also adjust his Place and Precedence in the University? Which is well known to many now living to have been claimed next to the Doctors, and acquiesced in by all those Professors that were not Doctors, of whom even that great Man Sir *Isaac Newton* was one, according to the Direction of the Old Statute, which says, — *Volumus ut Orator (si M. A. sit) habeat locum & honorem omnino summos, & proximos post LL. & M. Doctores.* Will *the very Name* also intitle him to be present at *all grave Consultations* of the University? (as the Old Statute did in these Words: *Item Statuimus, quod omnibus publicis negotiis & consiliis, etiam non vocatus, pro arbitrio suo interesse possit*) which are the very Words Dr. *Whitgift* uses in his Answer to the Complaints of the Body, (mentioned in the Introduction to this) and which Privilege he there acknowledges not to be taken away by Queen *Elizabeth's* Statutes.

Ad XII. It is allowed that Queen *Elizabeth* has, in Chap. xliv. made some little Addition to, or Alteration in, the Old Statute about the Orator, with regard to his Residence, &c. but in all her Statutes she has not one Word more about him; and yet the Learned Answerer says, *That what the Old Statute has more than the Queen's, is a Burthen now to be born, &c. Strange Assertion!* This Old Statute has been read, and the Oaths prescribed in it administer'd at the Election of Orators, since Pricking for the Orator's Place was introduced; and, I presume, it is the constant Practice so to do: It was certainly done at Mr. *Molle's* Election in 1639, as appears by Mr. *Buck's* the Beadle's Book, which gives a particular Account of that Election; and it does not appear *that the Vice-Chancellor, or Electors, ever blushed to offer those strange Oaths, or that the Elected ever did scorn to take them.*

Ad XIII. I say that the Old Salary, as first appointed by the Old Statute, and afterwards augmented by a Grace in 1528, is still paid: In Answer to this the Learned Answerer says, *That Salary was but poor 4*l.* and the University must have continued it—or have no Orator at all.* Those poor 4*l.* were full as much as the whole Profits are now: But I do not say it was not reasonable to continue the Salary, or even increase it, nay, I think it would be little enough if the whole Profits of that Office were double of what they are at present: I only say that the Orator has no Right to those poor 4*l.* but by Virtue of two Old Graces passed before Queen *Elizabeth's* Statutes were ever thought of: The Learned Answerer indeed denies this, but gives a surprizing Reason for it, *viz. Soon after the University settled a further Salary, &c.* The Words of the Grace are, *In annum ejus, quo jam fruitur, stipendii Incrementum* —

mentum—*Settled a further Salary*. Surely that implies a Salary to have been settled before, and otherwise the Word *Incrementum* would have been improper; whereas the Learned Answerer says, *The Word Incrementum confirms and enacts anew the former Salary* 4 l. If the Learned Answerer had only said *confirms*, every one of the meanest Capacity would have understood him; but when he adds, *enacts anew*, he exceeds common Apprehension: The ordinary Rules of Arithmetick teach us, that if we add *something* to *nothing*, the Sum is but *something*, no *Incrementum*: But the Learned Answerer teaches, that if we add *something* to *nothing*, the Sum is two *Somethings*.—*En Rem poterit servare suam*—I leave the ludicrous Application of the *Hopes of a Resurrection* to the Reverend Answerer's more serious Consideration.

Ad XIV. The Learned Answerer seems to have some Interest in this Affair of the Orator, and urges farther, That *the University cannot*, if they were ever so willing to do it, *revive* this Old more than dead Grace or Statute about the Orator, *because it does officere & adversari the Queen's Statute*. The Queen's XLth Statute (Appendix N^o XXIV.) allows 14 Days for the Election of a new Orator; the Old one (Appendix N^o XXV.) but 3 Days, *si fieri possit*; that is, *si non fieri possit*, 14 Days, or as many as you please. Hitherto there is no Obstruction or Contradiction to the Queen's Statutes: Not to mention that the Queen's Allowance of 14 Days has an Exception, *Nisi aliter in Fundatione cautum sit*: But the Queen says, *he shall be chosen after the Manner of the Vice-Chancellor*: The Old one, quite contrary—(after a different but not quite contrary Manner) still the Old Statute may have some Life in it surely, though it were allowed that Queen Elizabeth had altered the Manner of electing the Orator.


Ad XV. But the Learned Answerer is aware that it will not be granted that the Orator is to be chosen after the Manner of the Vice-Chancellor, and therefore he adds, in the next Paragraph, That it is *not to be doubted but the Words in the XLth Statute, Aliorum Ministrorum*—include the Orator: Not to be doubted? That in those general Words, after an express mention of some of the inferior Officers of the University, Stationers, Vintners, and Gagers, one of the most considerable Officers in the University should be lumped with the still meaner Herd of Officers not mentioned, as Bell-ringers, School-keepers, &c. It is a known Construction of Acts of Parliament, that where Inferiors are first particularly mentioned, and general Words follow, those general Words shall not extend to Superiors; and, I presume, there is no Reason why the same Construction of Statutes also should not be admitted: But the Learned Answerer's Reason why this is not to be doubted of, is still more extraordinary than the Assertion, *viz. Since a new Sort of Ministri*—

Ministri—the Burghesses, or Parliament Men—were determined Eligible, in modum Pro-Cancellarii: Determined? By whom? By those that had Authority to make such a Determination? Or by a few, rash, inconsiderate Men, whose Determination was no sooner made, than dropped, and whose Successors have been so far from acting in pursuance of, or defending it, that they have been ashamed till now to own, and have been willing to bury in Oblivion, that there ever was such a Determination: Such an Abuse of the Power of interpreting the Statutes may alarm the proper Authority, and induce them to place it in other Hands.

Ad XVI. As to the trite Observation, That *nisi aliter Statutis aut fundatione cautum sit*, refers only to the 14 Days, otherwise, that two equivalent Expressions must both belong to the same thing, &c. *Quod est absurdum.* I shall only reply, That till the Learned Answerer can clear up the Meaning of *Institutis nostris aut istis Statutis*, and *Istis Statutis & Sanctionibus nostris*, in Chap. L. Stat. *Eliz.* already taken Notice of, without Superfluity and Tautology, People will be inclined to think the Compilers of Queen *Elizabeth's* Statutes as capable of being guilty of it in one place as another: But it is to be hoped that the judicious Opinion of a very Learned Counsel, who has been consulted upon this Occasion, will for ever put an End to all Disputes about the Sense of this XLth Chapter of Queen *Eliz.* Statutes, with Respect to the Orator.



REPLY to the ANSWER to the Fourth ARGUMENT.

Ad I.  LL Interpreters of Laws whatsoever, since there have been any Laws in the World, do agree, That a new Law, unless it doth expressly repeal a former Law, repeals it no farther than it is contrary to, or inconsistent with the new Law: And this is the Rule that is constantly observed by the Judges in *Westminster-Hall*, in their Interpretation of Acts of Parliament: But the Learned Answerer makes it plain to a Demonstration, that is, affirms, That the Reverse of this is the true Rule of Interpretation.

Ad II, & III. The Learned Answerer tells us, That the Queen herself—has these Words, *Præcipimus*—Her Commissioners indeed have those Words, for they speak in their own Persons, *Auctoritate nobis commissâ—præcipimus*—He adds, Here she declares that King Edward's Statutes should be still kept and obeyed, as far as they were not expressly changed and abolished by herself: The rest of them she orders to stand good.

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The Learned Answerer has expressed himself a little inaccurately here: Queen *Elizabeth* declares, That some of King *Edward's* Statutes *should be kept and obeyed, the rest of them she orders to stand good*: Why then they are all good: But I presume that was not his Meaning. I do not take upon me to determine what the Commissioners intended by, or why they added, that Salvo for King *Edward's* Statutes, or whether it was necessary, or *superfluous*: But I believe the Learned Answerer is mistaken when he says, *Surely King Edward's Statutes were then as valid of themselves as the Old Popish Statutes*. I cannot imagine why the Learned Answerer sticks in the Words *Popish* and *Popery* so often in his Answer: Does he think any of his Readers so weak or ignorant, as not to know that, though there are many gross Errors in Popery, yet those Errors are mixed up with some Truth, and that many excellent Things are to be found amongst the Rubbish of it, and that our Church has retain'd several Collects, &c. in its Liturgy, that were once *Popish*; as the State has many of the Laws made by our *Popish* Ancestors, nay, some made even by the *Popes* themselves? Is *Magna Charta* the less dear or valuable to *English* Protestants, because it was once *Popish*? Does the Learned Answerer think therefore to raise any *Invidia* in the Mind of any reasonable Man against the Old Statutes by *obtunding* our Ears with the Words *Popish* and *Popery*? But I suppose the Learned Answerer was not aware, when he branded the Old Statutes with the odious Epithet of *Popish*, that the present Statutes of Queen *Elizabeth*, compos'd by the then Master of *Trinity-College*, and some other Heads; had so much of Cardinal *Pole's* Statutes in them. But to return; I say, I believe the Learned Answerer is mistaken when he says, *That King Edward's Statutes of themselves were as valid as the Old Popish Statutes*: For supposing the Crown to have a Power to give Statutes to a Corporation, not only at the first Incorporation, but at any time after, even without an express Reservation in the Charter to that Purpose; (which however I suppose under Correction of the Learned in the Law) It is a Question whether such Statutes, without the Words *pro nobis & successoribus nostris*, do not of course expire with the Prince that gave them; And it is certain that subsequent Statutes from the Crown, with the Acceptance of the Corporation, (though without that they are ineffectual) will repeal prior Statutes given by the Crown: Whereas according to chief Justice *Hobart's* Reports, Page 211, 4th Edition, "The Power of making By-Laws, tho' not given by special Grant from the Crown in the Incorporation, being included by Law in the very Act of incorporating;" it is reasonable to conclude, that old By-Laws or Statutes, made by any Corporation before the Reception of Statutes from the Crown, cannot be repealed without an express Clause at least for that Purpose, and the Consent of the Corporation themselves: If this be the Law with respect to Corporations that are the mere Creatures of the Crown, it will hold *à fortiori* with respect

respect to the University, a Corporation by Prescription first, and afterwards, 13th of *Elizabeth*, by Act of Parliament : So that if the Fact, that *King Edward's Statutes of themselves were as valid as the old Popish Statutes*, be not true, the Learned Answerer's Inference, that the *Old Popish Statutes, for want of a Salvo, were virtually abolished*, has no Foundation.

Ad IV. In order to understand what Queen *Elizabeth* meant by saying, *Ista omnia accuratè, ut speramus, sunt absoluta & perfectà*, it will be necessary to have recourse to her First Edition of Statutes, and see what her Design in giving Statutes at all to the University was ; for since she has not declared her Design to be altered, though she made some Alteration in her Statutes, we must suppose that to continue the same : It is evident then that in her first Edition she did not design to abrogate all the Old Statutes ; for in her Preamble to that she expresses herself as has been already mentioned in the Introduction, to which I refer the Reader : When she says therefore, in her Preamble to her Second Edition, *Ista omnia*, &c. she cannot mean that this Body of Statutes was compleat without the Help or Assistance of the Old Statutes, but only that her first Design was now compleated, which was begun indeed before, but was not so perfect as it ought to have been. That this was her Meaning will appear from the preceding Words : *Istud quidem licet jamdiu a nobis inchoatum esse non ignoramus, ac Leges interea vobis exercendis dederimus, usu tamen & experientiâ, optimâ efficaciq; rerum magistrâ edocti, animadvertimus in illis aliqua esse correctione digna — Nunc verò cum Ista omnia*, &c. What can *Ista omnia* — mean, but that now she hopes all former Defects are supplied, and her first Design finished and compleat ? Which was to abolish all the Absurdities of the Old Statutes, and amend all the Depravations and Corruptions of them, and add a few more Statutes to them : Those therefore that are not absurd, &c. are still in Force ; and this is another strong Argument to prove that *Statuta Omnia* must mean the Old Statutes.

Ad V. What the Learned Answerer advances in general in the Beginning of the next Paragraph, with respect to Statutes given by the Crown, is a Mistake, and is not true in any one Case whatever, as has been already shewn : And there is some room for Doubt whether Queen *Elizabeth* thought her own first Edition of Statutes repealed of course by her second, or not ; for it may deserve Consideration whether she did not mean by the Words, already taken notice of more than once, in the two last Sections of her Statutes, *Institutis nostris*, and *Sanctionibus nostris*, her former Edition of Statutes : If she did, she certainly did not think her First Edition of course abolished by her Second. The Words will bear that Sense ; for she calls her First Edition of Statutes *Instituta*, in the

Paragraph cited by the Learned Answerer, from the *Injunctiones Collegiis præscriptæ* contained in those Statutes, viz. *Statuta omnia—quæ contrà Regia INSTITUTA aliquid faciunt*, and she calls them *Sanctiones*, or what is equivalent, *Leges Regiâ nostrâ Auctoritate SANCITAS*, in her Preamble to those Statutes: And indeed it is the usual Practice of all Legislators expressly to repeal the Laws of their Predecessors, or their own prior Laws, if they intend they should be repealed. *Justinian* when he undertook that great and glorious Work of digesting and reducing into Method that immense Body of Laws, that were a Burthen rather than an Ornament or Support to the *Roman Empire*, in his first Edition of his *Code*, which was a Collection of all the Constitutions of his Predecessors the Emperors, which he designed should remain in Force, and which were collected out of three preceding *Codes*, and some other Constitutions made by the Emperors that succeeded *Theodosius* to his Time, does not think the preceding *Codes*, and Constitutions, abolished of course by his *Code*, but does expressly in the Words (*Appendix N° XXVI.*) repeal them: And afterwards, when his *Digest* or *Pandect* was compleated, in which all the other Laws of the *Roman Empire*, which he intended should have any Authority, were comprized, he abrogates in direct Terms (*Appendix N° XXVII.*) all the *Responsa-Prudentum*, &c. from whence this Collection was made; And when he thought fit to publish a Second Edition of his *Code*, which is a Case in Point, he does not suppose that the bare publishing his Second Edition would of course abolish his First, but in express Words (*Appendix N° XXVIII.*) abolishes it.

As to what the Learned Answerer adds, in Relation to Statutes given by the Crown to private Colleges, it being only a Repetition of a former Mistake, which has already been considered in my Reply to his Answer to my first Argument, I shall pass it over, and proceed to consider his Parallel drawn from *Trinity-College* Statutes. When he mention'd them first, in his Answer to my Second Argument, he said, That in *Trinity-College*, *King Edward the Sixth's*, and the *Statutes of Philip and Mary*, have been carefully preserved for Curiosity, but there are none in Force there but *Queen Elizabeth's*; would not any one imagine, from these Words, that the Originals both of *King Edward's*, and *Queen Mary's* Statutes, were at present carefully preserved in the Treasury or Registry of *Trinity-College*? If not, I am sure they are no Instance of what they were produc'd for; but if I am rightly informed, the Originals of neither of those Bodies of Statutes are now there. The Learned Answerer now says, In *Queen Elizabeth's Statutes to Trinity-College*, &c. In which Words there are near as many Mistakes as Lines: First, it doth not appear that *Queen Mary's* Statutes did ever obtain there; in the next place *Queen Elizabeth's* Statutes are almost a Transcript of *Queen Mary's*; so that it is hard to conceive what the Learned Answerer could mean, when he says that *Queen Elizabeth does not mention Queen Mary's Statutes*.

tutes. I am loath to suspect that any ingenious Person is capable of such a Cavil as to insist that Queen Elizabeth might transcribe Queen Mary's Statutes, and yet not be said to mention them. Lastly, King Edward's Statutes were so far from being only *virtually repealed*, that probably they were directly cancelled: For the Truth of these Assertions of mine, I appeal to the Report of the Attorney and Solicitor-General, May 29. 1711. upon the Petition of the Master of Trinity-College, preferred to the late Queen, December 11. 1710. and to the Opinion of her Majesty's Learned Counsel, Seven of whom subscribed it, upon some Questions arising from the Master's Petition, and Report upon it; to either of which, I presume, the Learned Answerer is no Stranger. By the Report it appears that Queen Mary's Statutes were not signed by the Commissioners, as the Commission required they should, and consequently they seem not to have been perfected. The Report also takes notice that the Titles of Queen Elizabeth's Statutes follow the Titles of those prepared in the Time of Queen Mary, and not the Statutes made by King Edward the Sixth: And, by the Opinion, it appears that King Edward's Statutes, which are expressed to have been under the Broad-Seal, are now without the same, from which they may be presumed to have been cancelled on the making of Queen Elizabeth's. And those Learned Gentlemen expressly declare their Opinion to be, that King Edward's Statutes were altered by the Statutes made by Queen Elizabeth, they being accepted and acted under by the College. It is their Opinion also, that Queen Anne might repeal the Statute of King Edward, *de Visitatore*, if in Force, by a declaratory Order under the Great Seal, with the Acceptance of the College; but without such Acceptance, her Majesty's Declaration would be ineffectual. One very Learned Gentleman indeed of the Queen's Council differs from the other Seven in one Point, with regard to the visitatorial Power; he is of Opinion, that the Bishop of Ely's Consent is as necessary as the Acceptance of the College, towards repealing King Edward's Statute *de Visitatore*; he thinks Queen Elizabeth never intended to repeal that Statute, and that it could not be repealed without express Words, or contradictory or inconsistent Provisions in the latter Statute with the former Statute.

I shall not take upon me to guess at the Reasons the Learned Answerer might have for introducing Trinity-College Statutes twice into this Dispute, when what he advances about them each time is either a Mistake, or if true, of no Weight to his Argument: He declares indeed each time, that King Edward's and Queen Mary's Statutes are of no Force there; though it appears, by the Report above-mention'd, that the present Master of Trinity-College did apply to Dr. Patrick then Bishop of Ely, in 1703, and tell him that he was Visitor of the said College, which he was not, if King Edward's Statutes are of no Force; and I understand that there are some Words in Queen Mary's Statute, *De Officio Trium Lectorum*, that are wanting in Queen Elizabeth's Statute, for want:

want of which the Sense is imperfect in Queen *Elizabeth's* Statute, in which, if those Words had been inserted, probably the Divinity Chair would have wanted the present great Ornament of it: The Learned Answerer will excuse me, if, by his own Direction, I have followed him even when he departed from the Point in Question. Though the Learned Answerer has given a broad Hint, in his Answer, at the Authors of the late *Disturbance*, as he terms it, in the University; I shall not pretend to be so acute as to be able to point out the Authors of the *Disturbances* in *Trinity-College*, that, for so many Years, *distracted* that noble Society, *to the utter Ruin of Peace and of Study there.*

Ad VI. If what I have said already, about the Power of the University to make By-Laws or Statutes, and about the Proctors Books, being the only Authentick Records of the Old Statutes, be true, whatever the Authority of the *Royal Statutes* be, the *Old Stuff*, as the Learned Answerer politely expresses himself, *found only in two greasy Books*, without any other Authority but their own, will, by all reasonable Persons, *be thought still alive*, though not *immortal*; because the *Ring* of the Congregation Bell may call the University Senate together, and they, by *formal and express Words*, may declare them to be dead and inanimate.

Ad VII. Whether the Learned Answerer was *conscious* of the *Weakness* of the Arguments already produced, or considered this as the *Anchora Sacra*, and therefore reserved it for the last Extremity, I shall not determine; but being resolved, that, at all Adventures, the Old Statutes shall be abolished, he here changes his Weapons, and positively asserts, That *they were even expressly repealed in the Queen's former Edition, in Chap. De Cancellarii Officio*; where he finds the Words *Omnia Statuta, &c. Why then all this Rout about them?* This is sure Work; if he can prove this, there is an End of the Old Statutes indeed, and the Church Bell may strike up, *Exsequias Statutis quibus est commodum ire, hem tempus est*: But let us consider his Quotation from Queen *Elizabeth's* first Edition of Statutes. *I am loath to suspect that any ingenuous Person will cavil and chicaner the Queen's Expression*, but there is something very like it here. I have before cited the whole Sentence at large, upon another Occasion, and if the Learned Answerer had done so too on this, every Reader must have seen that the Passage the Gentleman produces proves the very contrary to what he expected from it. He suppresses the Words at the End of the Sentence, *Reliquis suo robore permanfuris*; which manifestly shew that the Compilers of Queen *Elizabeth's* First Edition of Statutes did not suppose that all the Old Statutes, every one of them did more than *videri*, did flatly *adversari* to the Queen's: Otherwise here would be Absurdity with a Witness. Let all, every one of the Old Statutes, be abrogated, (for they are all supposed flatly to *adversari* the Queen's) but let the rest remain
in

in their full Force. But supposing these Words had not been so unluckily added as to spoil his Argument, it would have been no difficult Matter to have answered his defying Challenge, and to have produced many Old Statutes that do not only not *flatly adversari*, but that do not even *videri* to *adversari* the Queen's. (For as to the *Queen's butting* and *bounding* the Power of the University Officers, &c. it is a precarious Assertion.) What does the Learned Answerer think of the Old Statute, *De Admissione ad quodlibet Officium*, before mentioned, which requires the Vice-Chancellor, Proctors, &c. to be sworn to discharge their several Offices faithfully, about which Queen *Elizabeth's* Statutes are altogether silent? Or of the Statute for the Chancellor's resigning his Office? the Form prescribed for which is annually observed by the Vice-Chancellor, which the Queen's Statutes say nothing about, unless the Clause in the XLIIId Chapter already consider'd, *Quicquid Statutis nostris, vel Academiae, Cancellario faciendum attribuitur, hoc idem*—a *Pro-Cancellario fiat*, orders it; and if it does, the Queen plainly refers to the Old Statutes as being still in Force, which was my Third Argument: Besides these, there are many others that might be mentioned, but the Learned Answerer required only *one single Old Statute* to be produced: Farther, since it is evident that the Old Statutes do, in some Instances, add to and supply the Defects of the Queen's, the Learned Answerer's powerful Argument *a priori* fails him too.

Ad VIII. I submit it to the Reader to determine whether what I advanced on this Subject could administer any Temptation to the Learned Answerer to pronounce it to be *flat Nonsense*: And (if he pleases) to declare his Opinion of, and the Temptations he has been under, whilst he was reading, this and the preceding Paragraph of the Learned Answerer's. But, to proceed, the Learned Answerer asks first, Whether the University *could not have picked out what they liked in the Old Statutes*—though he had said, in his preceding Paragraph, *That every one of them did more than videri, did flatly adversari* the Queen's Statutes; and then, Whether they cannot do it yet? And answers himself, *That they neither have done, nor will, nor can adopt any of them, except, &c.* That is, they cannot adopt any, except some, and those they cannot neither, because they are become ridiculous. The Learned Answerer seems to be got into a Magick Circle, which he cannot find his way out of.

Ad IX. The Learned Answerer says, *It is already evident that my Similitude from Corporations, &c. does not answer my Purpose.* I cannot conceive whence this Evidence should arise: He has not said one Word about the Matter yet; I allow that *there is a wide Difference between a Charter of Incorporation, and a System of Statutes prescribed to that Corporation*; so wide a Difference, that the former is essential to every Corporation

tion erected by the Crown, the latter rarely given to any, being less necessary, since the Law of course empowers every Corporation to make its own By-Laws: But what Use does the Learned Answerer make of this Difference that is allowed him? Why, he says, That while the University had only Charters from the Crown, they had a Power of making their own Laws, and that Power produced the Old Statutes; but when the Crown once gave them Statutes, the former Statutes made by the University expired at once: Now if we had any thing but the Learned Answerer's bare Assertion for this, I acknowledge it would be to his Purpose; but it is all Imagination, without any Foundation in Law or Fact, as has been already proved: The Learned Answerer next fancies, first, that I have said something, and then that it is a Mistake; I never did say that *the old By-Laws of a Corporation subsist still in Force after the Receipt of a new Charter*; but if I had said so, I believe it is no Mistake, provided the new Charter confirms the old one, and does not dissolve the Corporation; if it does, I have nothing to say in Defence of the old By-Laws, nor is such a Case, in the least, pertinent to our present Dispute.

Ad X, XI, XII, XIII, XIV. I own I do go on and say, "That since Queen *Elizabeth* has expressly declared some of the Old Statutes to be still in Force, her Silence, as to the rest, will amount to a Confirmation of them:" And I affirm that he has not *already demonstrated* the contrary; what he said before of Queen *Elizabeth's* First Edition of Statutes being repealed by her Second, I have already shewn to be doubtful. The Learned Answerer does not seem to observe that I am here speaking of such Old Statutes as are allowedly not contrary to Queen *Elizabeth's*: I say, in the Words immediately preceding, that those that are so, are all effectually repealed; 'tis of the former only that I say, since Queen *Elizabeth* has expressly shewn her Approbation of some of them, we may fairly conclude she did not disapprove of the rest; if she did, it would have been easy to have said so: Her Silence therefore is an Argument of her Approbation of them, and a virtual Confirmation of them. The Learned Answerer has given himself, and the Reader, a good deal of unnecessary Trouble in examining the Passages referred to in my Paper: I was so far from imagining that the Queen did not give her Sanction to those she expressly mentioned, that I thought that by doing so, she did tacitly give her Sanction to, and confirm the rest that she did not mention; and my very Words evidently carry that Meaning—"Queen *Elizabeth* has expressly DECLARED some of the Old Statutes to be still in Force." I did not here intend to produce Instances of Queen *Elizabeth's* referring to Old Statutes as still in Force without her Sanction, (that I had done before in my Third Argument) but of some Old Statutes that by her Authority she declared to be in Force, and which, by her Sanction, she gave some new Life to, though not quite dead before.

Ad XV.

Ad XV. The Learned Answerer's Sneer, in the next Paragraph, is a very unlucky one : For *his Matter of Fact* is a false *Point of History*, and his *Demonstration* a direct Mistake : I had said, that " The constant Practice of the University, since Queen *Elizabeth's* Statutes, was an Evidence that they thought that the Queen had confirmed some of the Old Statutes, at least not repealed them. By the constant Practice, I meant the University observing the Old Statutes in many Instances, which the New Statutes were silent about ; for Example, In their administering several Oaths at Admissions to Degrees prescribed only by the Old Statutes, In Matriculation, &c. He answers, That the Practice is *very recent*, and *without former Example*, &c. by which he ought to mean that the Practices I referred to were *recent*, which is evidently false History : But supposing he should mean, as I am inclined to think he does, that the Notion of the Validity of the Old Statutes (though that can scarcely be called a Practice) is *recent* ; that is false History too. To *demonstrate* the Recency of this Practice, or Notion, he tells us that Queen *Elizabeth's* Statutes gave the Chancellor, and the Heads, Power to interpret all doubtful Passages in them, &c. and that *several Doubts* did arise *about the Meaning of some Statutes of Queen Elizabeth*, and that *the Doubts are register'd in the Vice-Chancellor's Book* : (The Vice-Chancellor's Book is of too *small standing* to be a Register, though it may be a Transcript of those Doubts) And since all these Doubts did arise from the New Statutes, not one from the Old ones, he wonders what I shall think of my *ancient and constant Practice*. In short, just the same I did before : And I shall affirm, without any Danger of Disingenuity, which the Learned Answerer cautions me against some time after, in Section 18. that there being no Doubts *register'd* in the Vice-Chancellor's Book, or Determinations of them by the Heads for 100 Years, is no Proof that there were none raised from the Old Statutes in all that Time ; for that, though the Heads had a Right by Queen *Elizabeth's* Statutes to interpret them, they had none to interpret the Old Statutes : (as Dr. *Whitgift*, one of the Compilers of Queen *Elizabeth's* Second Edition of Statutes, has expressly allowed : See Introduction.) And there is this plain Reason to be given why they should not, The University being always at hand, as the Queen was not, to interpret the Laws of their own making, and determine any Doubts about the Sense of them.

Ad XVI. Nor am I at all concerned at the imaginary frightful Consequences that the Learned Answerer fancies would have ensued from *the Conjunction of the Old Statutes with the New* : For, in Fact, it does not appear that any such did happen, though it be certain that there was such a Conjunction : Besides, the Learned Answerer, whilst he is representing the Difficulty of stating the Agreement and Disagreement between the

Old Statutes and Queen *Elizabeth's*, seems to have forgot his Assertion in Section 7. That every one of the Old Statutes did flatly adversari the Queen's: As for the worrying or worried Vice-Chancellors, let them answer for themselves.

Ad XVII, & XVIII. If there had been 27 instead of 17 Interpretations, or Determinations of Doubts, in the Compass of 100 Years, all extant in a more Authentick Register than the Vice-Chancellor's Book, and not one of them founded on the Old Statutes, nor the very Name of them once met with there; where-ever they lurked all that while, or whatever Disturbance they have given of late, let the Authors of that Disturbance look to that; I say, notwithstanding all this, I can produce from an authentick Register, the Grace-Book *Delta*, two Doubts in the Compass of Twelve Years, that had their Rise from the Old Statutes, the one in the Year 1572, (*Appendix N^o. XXIX.*) the other in 1582, (*Appendix N^o. XXX.*) and I doubt not but many more Instances of this Nature might be found upon a careful Perusal of the proper Registers of such Occurrences; Nay, there is an Order or Decree of the Vice-Chancellor and Heads, explaining and enforcing an Old Statute (whether it be in the Vice-Chancellor's Book or not I do not know) in 1578. The Old Statute is that about Matriculation, which is the only Old Statute I believe the Heads ever had a Power to interpret, and this they have interpreted: And if one may now guess at the Reason why the Heads had a Power given them to interpret that Statute, it seems to have been this, That the Vice-Chancellor and Heads, in Conjunction with the two Proctors, were the Persons that drew it up: The Clause of the Statute, that gives the Heads a Power to interpret it, is in the *Appendix N^o. XXXI.* by which they are expressly prohibited from making any Alteration in the Statute, except as to the Fees: And it is remarkable that Queen *Elizabeth* did not take upon her to alter or derogate from this Old Statute of Matriculation, excepting in regard to the Fees; which looks as if the Compilers of those Statutes had this Clause of that Statute in their Thoughts, when they made those Alterations in the Fees of Matriculation.

REPLY to the ANSWER to the CONCLUSION.



*B*Y this time it sufficiently appears, whether the true Reading should be, having so long obtained, or been so lately introduced; and I leave it to the Learned Answerer himself to determine. Surely the Learned Answerer will no longer affirm, That nothing is sworn to by any Graduate, &c. The greatest Part of the Oaths taken by each Graduate being the same that were taken before Queen *Elizabeth's*

Elizabeth's Statutes were ever thought of, and never enacted anew by her, or by the University-Senate; and few Alterations or Additions have been made by her, or any subsequent Statutes of the University. I have transcribed the several Oaths, in the *Appendix* N^o XXXII. and in the Margin taken Notice whence each Section was taken: As to the *Invidia* the Learned Answerer seems willing to raise against the Replier from above, or here at home, he is not at all apprehensive that an impartial Search after Truth, or necessary Defence of it, will give the least Offence to any candid Person.

The Replier has complied punctually with the *Desire* and *Expectation* of the very Reverend and Learned Answerer; but does not take upon himself to prescribe any Rules to him, if he shall think that this Reply deserves any farther Consideration.

I shall hope for the Pardon and Excuse of the Learned Answerer, if his great Familiarity in condescending to so much Mirth and Humour in his Answer, or his reprimanding me so often for my former Diffidence in my Expressions, have embolden'd me to treat him with more Freedom than he intended to allow me: But if any Expression has dropped from me unawares in my Reply, improper for me to use towards a Person of his high Station in this Place, I do here publicly retract it, having the greatest Deference for the superior Learning and Abilities of the very Reverend and Learned Answerer.

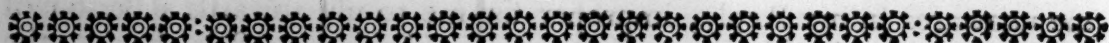




A P P E N D I X

T O T H E

A R G U M E N T.



N^o I.

Ex STATUTIS Eliz. Cap. L.

XXXVII.



N omnibus his Statutis ubi nulla expressa pœna violatoribus imponitur, liceat Cancellario cum consensu Præfectorum Collegiorum certam pœnam assignare atque imponere eorum violatoribus, atque ita legitima sit ac si in prædictis Statutis proposita fuisset. In singulis autem Collegiis ubi nulla expressa pœna levius delinquentibus imponitur, ibi iudicio Magistri illius Collegii seu vices ejus gerentis puniantur.

XXXVIII. Mulctæ in his Statutis præscriptæ, nisi aliter in iisdem Statutis cautum sit in tres partes dividantur, quarum una in Academiæ, altera in Procuratorum, tertia in Præconum usus convertatur. Mulctæ imponendæ modus hic sit: Magister Collegii aut eo absente Præses, aut qui Primarius illis absentibus est, de Præconum querelâ præcipiet Thesaurariis Collegii, aut illis quibus pecunia illius Collegii commissa est, ut hanc Mulctam alicui ex Præconibus sine ullâ dilatione solvant, idque virtute jurisjurandi quod Academiæ & Collegio suo obtulerunt, eandemque pecuniam sibi iterum ex Stipendio eo Thesaurarius aut ejus administer persolvat, quod reus à Collegio recipere debeat.

XXXIX.

XXXIX. Statuta Omnia, Compositiones, & Consuetudines quæ Scripturis Sacris, Institutis nostris, aut istis Statutis adversari videbuntur, abrogata & rescissa sunt, reliquis suo robore permanfuris.

XL. Si quid dubii vel ambigui in istis Statutis, & Sanctionibus nostris Oriatur, per Cancellarium & majorem partem Præfectorum Collegiorum explicabitur, & determinabitur; quorum determinationi & interpretationi reliquos omnes cedere volumus. Statutorum horum exempla quatuor sint: Unum in Communi Ærario, alterum apud Cancellarium, duo Procuratores habeant.

Nº II.

Ex Veteribus STATUTIS.

PAG. 13.—Quilibet admittendus ad aliquem gradum Scholasticum in suâ Admissione juramentum præstet corporale quod pacem nostræ Universitatis non perturbabit, nec per se nec per alios pacis perturbatoribus auxilium consilium vel favorem præstabit; & si aliquos tali crimine irretitos sciverit illud Cancellario vel ejus locum tenenti denunciare teneatur.

Pag. 16. ad fin. Postremò ad faciliorem delinquentium coercionem & pro bono pacis in nostro municipio continuando duximus Statuendum quod nullus de cætero in hac Universitate ad gradum aliquem Scholasticum admittatur nisi in suâ Admissione inter cætera jurare voluerit quod erit obediens Cancellario hujus Universitatis qui pro tempore fuerit & ejus vices gerenti quam diu moram traxerit in eadem.

Pag. 31.—Statuimus idcirco & ordinamus ne Regentium quisquam in quâcunque facultate in aliquâ Procuratorum electione de cætero vocem dare præsumat, nisi & suum & illius cui vocem dare voluerit Prænomen & Cognomen propriâ manu inscribat, nec ullo pacto suum votum compromittere attemptet. Omnium præterea tam eligentium quam ejus quem eligere decreverint Prænomena & Cognomina per illum ipsum Regentem qui in Scrutinio minor reputatur post Scrutinium & ante electi pronunciationem publicè totâ coram congregatione recitentur. Statuimus etiam ut quilibet posthac incepturus ad regendum in quâcunque facultate in suâ admissione tactis sacrosanctis corporali sub juramento coerceatur, &c.

Memorandum. *This is common to the Oaths of all Inceptors in all Faculties.*

Pag. 58. ad fin. & 59. Item statutum est quod omnes & singuli statum Baccalaurei in quacunq; Facultate affumentes jurent quod Statuta Privilegia & Consuetudines approbatas istius Universitatis pro viribus observabunt—

Item

Item quod honorem istius Universitatis quantum in eis est observabunt—Idem juramentum volumus quod præstent omnes licentiandi in suâ admissione in quacunque Facultate—Item statuimus & ordinamus quod quilibet de cætero admittendus ad aliquem gradum juret se observaturum pro viribus suis omnia contenta in quâdam Compositione facta inter Universitatem & Collegium Beatæ Mariæ & Sancti Nicolai & a Domino Rege confirmatâ.

Pag. 56. Nullus admittatur ad legendum Libros Sententiarum—nisi prius in sacris Ordinibus constitutus præsentetur Universitati in æstate post Festum Sancti Barnabæ & citra Festum Translationis Sancti Thomæ Martyris—

Pag. 46. Jurabis quod continuabis Lecturam in Theologiâ per Annum a Dominâ Regis Hen. VII. Matre fundatam per cujuslibet Terminum majorem partem, si Lector ad majorem partem legerit, & te a Lecturâ prædictâ non absentabis nisi ex rationabili causâ per V. Canc. Lectorem ejusdem & duos Procuratores & eorum singulos approbandâ.

Pag. 53. Item statutum est quod quilibet Doctor seu Baccalaureus in ipsâ nostrâ Universitate in Jure Civili seu Canonico quâcunque horâ ordinariè seu cursoriè lecturus in Scholis propriis ejusdem Universitatis legere teneatur & easdem conducere nisi eadem Scholæ pro eadem horâ ab alio Lectore occupatæ fuerint & conductæ.

Pag. 51.—Nullus de cætero infra limites Universitatis publicè vel privatim tanquam Practicator in illâ Facultate se intromittat nisi hic vel alibi in Medicinâ rexerit, vel ad legendum licentiatus fuerit, seu per aliquem hic in prædictâ facultate regentem ut idoneus ad Actum prædictum in virtute juramenti præstiti Domino Cancellario & Universitati fuerit præsentatus—Insuper in admissione tam ad legendum quam ad practicandum juret se lecturum in istâ Universitate per duos Terminos infra biennium in aliquo volumine Medicinæ sub pœnâ 20 Solidorum communi Cistæ infra dictum biennium Solvendorum—

Pag. 7. Item statutum est quod cum Cancellarius Officium suum resignare contigerit Sigillum Officii sui ac etiam clavem communis Cistæ quam penes se habuit coram totâ Universitate Regentium Procuratoribus vel alteri eorum tradere teneatur; & tunc hujusmodi Sigillum & Clavis in presentia ejusdem Universitatis sigillis aliorum duorum Regentium quos ad hoc per Universitatem deputari contigerit consignentur, & sic in manibus alterius Procuratoris remaneant consignata quousque alteri Cancellario sub formâ prædictâ electo ac etiam jurato coram eadem Universitate tradentur.

Pag. 6. Diebus verò, in quibus fit generaliter Congregatio five Regentium tantum five Regentium & Non-Regentium Disputatio nulla fiat.

Nº III.

P*Ag.* 49.—Scilicet quod quinque Magistri Artium in virtute juramenti Universitati præstiti deponant de Scientiâ, & alii septem ejusdem Facultatis de Credulitate vel scientiâ, quod fiat per Scrutinium juxta examinationem Cancellarii & Procuratorum, præsentante non existente in Scrutinio—

Nº IV.

Ex STATUTIS Eliz.

C*AP.* xx. Ceremoniæ in Gradibus conferendis eadem sint quæ antea fuerant secundum antiquum Academiæ morem.

Cap. xxi. Hinc antem excipimus gradum B. A. qui antiquum modum petendi retinebit.

Cap. xxxiii. Cancellarii Magistratus tum diuturnus esto, quam vetera Statuta moresq; Academiæ permittebant—

Cap. xxv.—Quemadmodum in Antiquis Statutis præcipitur sic etiam à nobis.

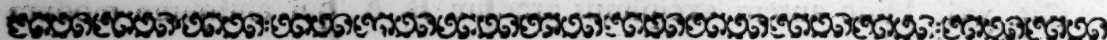




A P P E N D I X

T O T H E

R E P L Y.



N^o I.



CONCEDITUR ut 13 s. 4 d. quibus Multatus est Magister Fryer quod munus Ædilis five Taxatoris non suscepit, iterum sibi vestris suffragiis reddantur, quoniam aliis quibusdam gravibus negotiis impeditus id recusavit; nec *juxta Veterum Statutorum, quæ in hac parte valent, Consuetudinem* a quoquam sui Collegii ad id Officium prius nominatus fuit, *Grace-Book Delta Fol. 33. a. The Old Statute, on which the Mult was founded, is, De Officio Taxatorum, Senior Proctor's Book, Fol. 19. a. That which required Nomination, is, De Electione Taxatorum, Folio 54. b. ibidem.*

N^o II.

Maye it please your Wourships, that Mr. Vice-Chauncellor, Mr. Doctors Perne, Hawford, and Harvey, Mr. Ledys, and Mr. Proctors, may by your Aucthoritie peruse all the ancient Statutes of the Univerſity towchyng Appellations; and where as any Imperfection is, to amend and supply the ſame: And farther to decree all ſuche Thyngs as ſhalbe thought mete and neceſſarye towchyng Appellations, ſo that that be by your Aucthoritie
bad

had and taken for a Statute that fyve of theim shall decree afore the Feast of Michelmas nexte, and that it be wrighten in the Proctor's Book: So that it be first reade before you, and by your Authhoritie allowed. Ibid. Fol. 84. a.

Nº III.

Conceditur 16 Jan. ut Quæstionistæ possint respondere quæstioni post festum Purificationis Beatæ Mariæ Virginis, non obstante Statuto VETERI. Ibid. Fol. 104. a.

Nº IV.

Item Statuimus quod nullus in Quadragesimâ in artibus determinare præsumat nisi in anno præcedenti citra Purificationem Beatæ Mariæ Virginis de quæstione responderit. Jun. Proctor's Book, Fol. 37. b.

Nº V.

Quum pœna Statuti modo lecti (Pro disputatione Magistrorum in Philosophiâ concess. Feb. 11. 1541.) valdè gravis sit & plena periculi, utpote perjurii; Placet vobis ut eadem pœna convertatur in multam 40 s. — Et ut hæc Concessio vestra pro Statuto habeatur, & dicto Statuto ascribatur — Ibid. Fol. 111. a.

Nº VI.

— **I**nsuper juxta tenorem Statutorum Academiæ nostræ, Principales personæ factum ipsum per se proponant, viz. Actor per se suam actionem, & Reus suam defensionem. Nec Defensores vel Procuratores admittantur pro eisdem, nisi adversâ valetudine vel aliâ legitimâ causâ per Dominum approbandâ sint detenti quominus in judicio sui præsentiam poterunt exhibere; De quibus in principio coram Domino Pro-cancellario vel Commissario, vel Delegatis Judicibus fidem faciat (lege faciant) juramento, quo præstito & causâ utrinque declaratâ & non ante admittantur. Sen. Proctor's Book, Fol. 200. b.

The Passages out of the Old Statutes are: — Principales personæ factum ipsum per se proponant: Actor, viz. Primò per se suam proponat actionem, Reus verò per se suam afferat defensionem. Ibid. Fol. 8. b. De Advocatis in Auditione Causarum.

— Nec Defensores nec Procuratores coram Cancellario vel ejus Commissario admittantur pro iisdem, nisi personæ citatæ adversâ valetudine seu aliâ legitimâ causâ sint detentæ quominus in judicium sui præsentiam poterunt exhibere. De quo in principio coram Cancellario vel ejus Commissariis fidem faciant juramento. Quo præstito admittantur Defensores seu Procuratores juxta Consuetudines & Statuta Universitatis in litem processuri. *Ibid. Fol. 8. a. De Defensoribus & Procuratoribus Litigantium.*

Nº VII.

CUM in approbandis iis qui gradum B. A. suscepturi sunt *Statutis cautum sit*, ut una cum Procuratoribus duo in Artibus Magistri à majori parte Regentium deputentur, qui omnes dictum gradum ambientes examinare & probare teneantur—*Concess. Jan. 24. 1621.*

Nº VIII.

DE Determinatoribus pro se.—Item quod ejus Notitia in Opponendo & Respondendo a Magistris ejusdem Facultatis fuerit approbata, & quod in Statuta moribus & ætate judicio Magistrorum ad hoc per Universitatem deputatos idoneus & sufficiens reputetur—De Determinatoribus pro aliis.—Ad hujus Statuti & proximi supradicti observantiam deputentur duo Procuratores una cum duobus aliis M. A. ab omnibus in eâdem Facultate Regentibus vel à majori parte eorundem secundum numerum ad hoc electis—*Sen. Proctor's Book, Fol. 35. b.*

Nº IX.

Conceditur—Ut Dominus Procancellarius, Doctores *Parker, Madew, Mowse, Blythe*, Magistri *Wylks, Pierpoynt, Sedgwyk, Maptytt, Person*, & Procuratores habeant authoritatem vestram—Simulque potestatem habeant inspiciendi & examinandi *Vetera Aacademiæ Statuta quæ in Libris Procuratorum conscribuntur*, ut quæ ambigua & obscura sint explant, & interpretentur; Quæ antiquata, abrogent; & quæ retinenda in unum Librum colligant; Et quicquid major pars horum decreverit vestrâ authoritate pro rato habeatur. *Register Delta, Fol. 36. a.*

Nº X.

CONceditur, ut tres in quâlibet Facultate, viz. Doctores *Tong, Har-vye, Hatcher, Walker, Yale*, Magistri *Swynborne, Maptyd, Mytche, Raven, Barley & Otway*; una cum Domino Vice-Cancellario & Procuratoribus, habeant vestram auctoritatem *revidendi & reformandi antiqua Academiæ Statuta* juxta tenorem Injunctionis superiori die lectæ: (viz. *Cardinal Pole's*) Ita quod quicquid innovetur aut immutetur coram vobis prius legatur, & per vos approbetur, priusquam robur aut effectum fortiaur. *Ibid. Fol. 48. a.*

Nº XI.

CUM Illustrissimi Domini Comitis *Hollandiæ* nostrique Cancellarii longè Honoratissimi munificentia, Libri Procuratorum nimia vetustate obliterati) de novo jam sint exscribendi atque adornandi; In quibus nec omnia planè inter se reperiantur eadem, nec eodem digesta ordine; quin & nonnulla, quæ inscribi oportebat, in utrisque penitus omiſſa sint: Alia verò non pauca, (unde Volumina excrescunt) istiusmodi sint, ut iis exscribendis insudare vix sit pretium operæ: Placet vobis, ut una cum Domino Procancellario, & Dominis Procuratoribus Doctores *Warde, Beale, Butts, Eden*, Magistri *Land, Freeman, Barlow, Roberts, Hopkins, Alsop*; aut eorum aliquot quinque (e quibus Dominus Procancellarius & alter Procuratorum semper sint duo) auctoritate vestrà deputentur, qui Libros prædictos summâ cum fide & sinceritate (sub virtute Juramenti Academiæ præstiti) diligentèr conferant, in ordinem (quantum fieri potest) maximè concinnum redigant; quid de jure ascribi, quid contrahi, aut omitti possit, censeant. Eâ tamen conditione ut cum Novi Libri accedant, etiam ut Veteres isti in perpetuam rerum memoriam quotannis transmittantur in Senatu ad succedentes Procuratores sub syngrayhâ centum librarum ab ipsis exigendâ de eorundem Librorum salvâ custodiâ. *Grace-Book, beginning 1620. Page 173.*

Nº XII.

CUM Procuratorum Libri longinquâ vetustate, & quotidiano usu plurimis in locis erasi fuerint, & mutilati, ut nec usui nec honori Academiæ commodè poterint inservire: Placeat Vobis, ut de novo con-

scribantur in Pergamena, & sic conscripti deornati catenis, & bullis, & retinaculis exornentur. Et ut hæc Concessio vestra Curæ Procancellarii, Doctoris *Spencer, Blithe, Cook, Brady, Bainbrigg*, Magistri *Billers*, & Procuratorum pro tempore existentium exequenda demandetur. *Grace-Book, beginning 1668.*

Nº XIII.

— **N**OS autem quoniam *Legibus Nostreis cautum novimus*, ne quis ad gradum aliquem hîc admittatur nisi qui & se Procancellario obedientem futurum; & Statuta ac Consuetudines hujus Academiae approbatas observaturum, & ejusdem honorem pro virili aucturum ornaturumque conceptis prius verbis juraverit.

— *These Oaths are required by the Statute, In Admissione ad quolibet Officium. Sen. Proctor's Book, Fol. 7. b. And by the Statute De Juramento Baccalaurei, Fol. 29. a ibidem.*

Nº XIV.

Decretum est per Dominum Procancellarium & Præfectos Collegiorum quorum nomina subscribuntur, quod deinceps post mortem Gremialis cujuscunque per triduum tantum sit Non-Terminus, & vacatio à Lectionibus & Exercitiis Scholasticis, *secundum Antiquum Statutum de Exequiis ex hac parte provisum*—*Grace-Book, beginning 1602. Page 310.*

Nº XV.

Conceditur, 14 Nov. 1561. Magistro *Baker* Procancellario ut studium sex annorum in Theologiâ post gradum Baccalaureatûs in eâdem Facultate susceptum cum duobus Sermonibus uno ad Clerum, & altero ad Crucem *D. Pauli* sufficiant ei pro completis formâ & gradu Doctoratûs in eâdem Facultate. Ita quod recepto juramento sit actus Doctor; *Statutis aut Consuetudinibus istius Universitatis non obstantibus.* Sic tamen quod satisfaciat Officiariis. *Register Delta, Fol. 66. a.*

Nº XVI.

Nº XVI.

QUum Legibus nihil magis propositum sit, quam ut litium materia amputetur ; hactenus autem Scrutatorum Electioni adeò a MAJORIBUS NOSTRIS prospectum non sit quin singulis annis eà de re multiplex contentio ac perturbatio extiterit : Ut ei incommodo LEGITIMIS MODIS occurreretur visum est rogationem quandam super eà re—In plenâ Regentium & Non-Regentium Congregatione Senatûs ferre ; Cui quidem Rogationi cum à majori parte Senatûs assensum fuisset, placuit eam pro Statuto in perpetuum habere : Ejus autem Formula sequitur in hæc verba : Ut omnis deinceps super Electione scrutatorum, &c. *See the Grace without the Preamble in Register Delta, Fol. III. b.*

Nº XVII.

UT omnis Dissentionis materia tam in illis Viris punctim nominandis, qui in annuo Procancellariatûs munere vacante Competitores sunt futuri, quam in Electionibus Lectorum omnino deinceps tollatur : Placet vobis ut *omnes Doctores cujuscunq; Facultatis* in Academiâ commorantes licet Collegiis non præfiantur una cum Collegiorum Præpositis, aut eorum vices gerentibus, 3 Nov. quotannis, viz. horâ nonâ antemeridianâ ejusdem diei in Domo Regentium conveniant : Utque eorum singuli ibidem juxta Senioritatem suam unum aliquem ad Procancellariatûs officium nominent, e quorum numero iidem Doctores figillatim cum Collegiorum Præpositis aut eorum vices gerentibus duos punctis suis assignent & notent ; quorum unus a Senatu in Procancellarium est eligendus ? Præterea placet Vobis ut *omnes Doctores* una cum Collegiorum Præpositis aut eorum vices gerentibus convocentur & conveniant, quotiescunque occasio oblata fuerit, ut suffragia sua punctim cum Collegiorum Præfectis (more in Procancellarii Electione præscripto) in omnibus Electionibus Lectorum & reliquorum Academiæ Officiariorum. Atque ut hæc vestra Concessio seu Ordinatio pro Statuto habeatur, atque infra 10 dies Proximos in Libros Procuratorum describatur. *By Queen Elizabeth's Second Edition of Statutes De Procancellarii Electione, No Persons but Heads of Houses have a Right to prick for Vice-Chancellor, &c.*

Nº XVIII.

N^o XVIII.

PLacet Vobis ut Præfecti Collegiorum Theologi eâdem Lege teneantur ad Combinationem in Concionibus præstandis in omnibus diebus Fæstis, exceptis diebus Dominicis ante meridiem, quâ reliqui Concionatores tenentur. *This Grace is supposed to be contrary to Section II. of Chap. L. of Queen Elizabeth's Second Edition of Statutes. But if the Words Scholasticis Exercitationibus, in that Section, do not include Sermons, there can be no Pretence for not observing this Grace.*

N^o XIX.

SOcij, Discipuli, Pensionarii, & Scholastici singuli, qui nondum quadagesimum annum attigerunt neq; ad Doctoratus gradum aspirarunt, neq; Præfecti sunt COLLEGIORUM, matutinis precibus horâ quintâ, & Loco Communi intererunt, sub pœnâ eâ quæ in STATUTIS adversus eos constituta est, qui divino (ut vocant) servitio non interfunt: In quibus COLLEGIIS nulla pœna constituta est pro singulis absentiis singuli duobus denariis mulctentur.

N^o XX.

CUM ad observationem quorundam Statutorum in B. A. Admissione legendorum singuli teneantur virtute juramenti sub pœnis variis in dictis Statutis (prout in Libris Procuratorum integra habentur) expressis; quarum quidem pœnarum in dictorum Statutorum particulis in dictâ admissione legendis nulla fit mentio: Conceditur ut singuli B. A. in posterum admittendi jurent expresse, se vel Statuta Academiæ (quatenus ipsa se concernunt) fideliter observaturos; vel monitiones, correctiones & pœnas dictorum Statutorum transgressoribus incumbentes sine contradictione quâcunque humiliter subituros: Et ut hæc vestra Concessio pro Statuto habeatur, & in Libris Procuratorum infra 10 dies proximè sequentes scribatur. *Lect. & Concess. 23 Jan. 1645.*

N^o XXI.

Nº XXI.

CUM ad observationem quorundam Statutorum in GRADUATORUM Admissionibus, &c. (ut in priori) Conceditur ut singuli ad GRADUM ALIQUEM in posterum admittendi jurent expresse, se vel, &c. observasse & observaturos; vel, &c. Subiisse aut subituros, &c. (ut in priori) 14. Mar. 1645.

Nº XXII.

QUanquam nihil nobis sanctius esse aut majore cum reverentiâ & religione habere oporteat, quam juramentum: Experientia tamen nos docet tam in Baccalaureorum atque Magistrorum, quam in aliis fere omnibus Academiæ nostræ juramentis, partim ex immutatione Statutorum, partim ex longâ nonnullorum Rituum desuetudine, factum esse, ut non solum rebus non necessariis, sed non intellectis etiam, planeque abolitis jurantium conscientiæ onerentur; Pro cujus Scandali amotione, Placet vobis Statuere ut gravissimi iidem Viri, quibus non ita pridem commisistis negotium de Libris Procuratorum conferendis digerendis exscribendisque eâdem vestrâ autoritate & juramenta omnia Academica examinent, & eorundem particulas illas segregent expungantque quas antiquatas & abolitas esse certò reperient. Porro in majorem tum conscientiarum serenitatem, tum memoriarum subsidium, Placet etiam vobis decernere ut eodem tempore quo Baccalaurei aut Magistri Artium pro gradu suo, aut quilibet alius, communi de causâ ad solenne aliquod juramentum Academicum adiguntur, (exceptis tantum Incorporandis, & Academiæ Officiariis) Procancellarius unicuique tradi curet Typis Academicis expressam juramenti sui materiam: Eâ lege ut quilibet solvat ei, in Matriculatione unum denarium tantum; in gradibus singulis cujusque facultatis usque ad Doctoratum duos denarios; in Doctoratu drachmam, pro cujusque juramenti Typographiâ.

Nº XXIII.

Conceditur, ut Dominus Vice-Cancellarius & Præsides Collegiorum vel eorum substituti una cum Procuratoribus habeant auctoritatem limitandi modum & formam quibus omnes quicunque Scholasticorum Privilegiis

vilegiis gavifuri sunt, & hæcenus non sunt jurati Achademiae neque Matriculati, debeant jurare & matriculari, & quantum pro istâ re debeant solvere, & quomodo; & quicquid hii omnes aut major eorum pars præsentium sui omnes adesse non possunt ante mensem decreverit pro Statuto habeatur; sic ut prius coram vobis legatur & tum in Librum Procuratorum inscribatur.

Nº XXIV.

Nominations & Electiones Lectorum, Bedellorum, Stationariorum, Gageatorum, Oenopolarum, & aliorum Ministrorum seu Officiariorum Academiae quorumcunque, de quibus aliter a Nobis non est provisum, sequentur modum & formam in Electione Procancellarii præscriptam; fientque intra 14 dies post Vacationem, nisi aliter Statutis Nostris, aut Fundatione cautum sit. Quæ aliter factæ fuerint, ipso jure nullæ sint & irritæ. *Chap. XL. Stat. Eliz. On this Statute the Heads found their Right of pricking for the Election of Orator, Queen Elizabeth's Statutes having made no other Provision for it.*

Nº XXV.

— **E**ligentur autem singuli post Dominum Crocum futuri Oratores in hunc modum: Intra triduum (si fieri possit) postquam vacaverit officium, convocetur plena Regentium & Non-Regentium Congregatio; in quâ per majorem partem præsentium apertis suffragiis ad modum Electionis Procuratorum eligatur unus ad Eloquentiam natus, qui Græcè pariter & Latinè sciat, ad id Muneris obeundum. Provisio semper quod sit omnibus libera facultas & libertas summa eligendi quem velint, neque arctentur per Determinationes istas Communes Collegiorum. *Old Statute De Oratore Eligendo & ejus Officio. This solemn Institution is pretended to be set aside by those general Words of the preceding Statute of Queen Elizabeth.*

XXVI.

— **S**ciant omnes tam Litigatores quam disertissimi Advocati nullatenus eis licere de cætero Constitutiones ex Veteribus Tribus Codicibus quorum jam mentio facta est, vel ex iis quæ Novellæ Constitutiones
ad

ad præsens tempus vocabantur in Cognitionalibus recitare certaminibus, sed solum eidem nostro Codici insertis Constitutionibus necesse esse uti.—
Ex Confirmat. Prioris Cod. ad Mennam.

Nº XXVII.

—**U**Timini verò nostris Legibus, nulli earum quæ Veteribus Libris inscriptæ sunt attendentes : — Nam prohibemus illis in posterum uti, hæc autem sola observari in Republicâ & obtinere concedimus & sancimus—*Ex Confirmat. Digestor. ad Magn. Senat.*

Nº XXVIII.

REpetitâ itaque jussione nemini in posterum concedimus vel ex Decisionibus nostris, vel ex aliis Constitutionibus quas antea fecimus, vel ex primâ Justiniani Codicis Editione aliquid recitare ; sed quod in præsentî purgato & renovato Codice nostro scriptum invenitur, hoc tantummodo in omnibus rebus & judiciis & obtineat & recitetur. *Ex Constitut. de Emendat. Cod.—ad Senat. Urb. Constantinop.*

XXIX.

DEterminetur an Procuratores habeant vocem Negativam, quoniam Senior Procurator hoc anno illud vendicabat per Antiquum Statutum, *Register Delta Fol. 109. b. This Entry is made immediately after that of B. A. for that Year: And this Claim of the Senior Proctor seems to be founded on the Statute De Determinatoribus pro Aliis. See above Nº VIII.*

XXX.

QUoniam dubitatur de Senioritate eligendorum in Procuratores, & quæstio videtur major quam ut possit determinari in tantâ temporis brevitate, placet vobis ut eligantur absolutè in Procuratores sine aliquâ mentione Senioritatis, ita ut jus integrum maneat utrique, maturiori deliberatione, & legitimâ auctoritate definiendum. *Ibidem Fol. 141. a. Queen Elizabeth's Statutes, though they often mention the Senior Proctor, yet no*

where determine which is the Senior : Whereas the Old Statutes, when the Election of Proctors was free, directed, That he should be reputed Senior Proctor that had the most Voices. See Senior Proctor's Book, Fol. 14. a. De Electione Procuratorum.

Nº XXXI.

—**S**ummam pecuniæ pro Censu pendendæ pro necessitate fortunisque Academiae Procancellarius & Domorum Præsides dummodo id semel duntaxat in anno, & ex majoris partis consensu fiat, moderantur. Iidem hanc semper Legem, si quid evenerit dubii, interpretantur ; Legem ne abrogant, neve ullâ in parte præterquam in summâ pecuniæ derogant. Antiquandi hanc Legem nemini nisi de expresso consensu Regentium & non Regentium fas esto.

Nº XXXII.

STATUTA in Admissione Baccalaureorum in Artibus legenda ad quorum observationem singuli tenentur virtute Juramenti.

Eliz. Stat.
Cap. vi.

Primus annus Rhetoricam docebit, secundus & tertius Dialecticam, quartus adjungat Philosophiam ; & Artium istarum domi forisque pro ratione temporis quisque sit Auditor. In hoc quadriennio bis quisque disputato in publicis Scholis, bisque respondeto in suo grege : quæ si perfecerit, & post consuetum examen dignus videatur, Baccalaureus esto ; ita tamen quod prius respondeat Quæstioni, & stet in Quadragesima more consueto usque ad postremum Actum, & super his Cautionem realem exponat.

Vet. Stat.
Sen. Proc.
Lib. fol. 29.

Singulos insuper, qui hâc gradum aliquem subituri sunt, astrictos & devinctos esse volumus, ut hujus Universitatis Statuta & probatas consuetudines pro viribus observent, utque ejusdem Universitatis pacem nullius rei prætextu perturbent, quin eos, quos sic pacem perturbare noverint, ad Cancellarium seu ejus vices gerentem quamprimum deferant ; quod denique Universitatis nostræ honorem pro virili augeant ornentque.

Eliz. Stat.
Cap. xlix. added in 1726,
by a Grace.

Omnes quorum annuus reditus est ad Valorem quadraginta Marcarum præter stipendia quæ habent a Collegiis suis, aut ab Academia ratione alicujus Lecturæ, ad Gradum aliquem Scholasticum promovendi, dabunt Cancellario, Procuratoribus, reliquisque officiariis Togas solito more Academiae, aut cum his component rationabiliter.

Quilibet

Quilibet graduatus, dum moram traxerit in nostro municipio, habitum habeat de proprio, gradui suo competentem. Vet. Stat. Lib. Sen. Proc. Fol. 44. a.

Postremo, Statutis Academiæ cautum est, nè quis hic ad gradum aliquem admittatur, nisi se obedientem fore Cancellario aut ejus vices gerenti juraverit, seque sua Privilegia renunciaturum, in quantum Privilegiis & Statutis Universitatis contrariantur; salva semper Compositione inter Universitatem & Collegium Regale factâ. Vet. Stat. ibid. Fol. 7. b. Ibid. Fol. 29. b.

Quilibet ad respondendum quæstioni admittendus, post ultimum actum & ante decimum quartum *Januarii*, juret, si contigerit gradum Magisterii in hac vel in altera Academia Anglicana ambire, Terminorum computum facturum non à tempore Admissionis, sed à finali Determinatione Admissionem suam subsequente. Added by a Grace in 1628.

Jurabis quòd hæc omnia observasti & observabis, nisi aliter per gratiam per Academiam concessam dispensatum tecum fuerit, sicut te Deus adjuvet, & sancta Dei Evangelia.

STATUTA in Admissione Inceptorum in Artibus legenda, &c.

1. **B*** Accalauri Artium Philosophicæ Lectionis, Astronomiæ, Perspectivæ, *Stat. Eliz. Cap. vii.* ** sive Mathematicarum quæ in Scholis lecta fuerint, & Græcæ Linguæ per triennium ad minus sint assidui auditores: idque quod inchoatum antea erat suâ industriâ perficiant. Intererunt cunctis Magistrorum Artium Disputationibus aperto capite, nec abibunt inde nisi à Procuratoribus petitâ veniâ. Baccalaureus quisque ter respondebit Magistro Obijcienti; bis in sui gregis exercitatione respondebit, declamabitque semel In his ubi justum trium annorum spatium versatus fuerit, & hæc illum perfecisse constiterit, postquam solenniter productus fuerit, cooptabitur in Magistrorum ordinem.* Vet. Stat. Lib. Sen. Proc. Fol. 92. a. Lib. Jun. Proc.

2. Jurabis quod lectionem in Theologiam per Dominam Margaretam fundatam per annum continuabis, per majorem partem cujuslibet Terminum, si Lector ad majorem partem legerit, & te à lectione non absentabis nisi ex rationabili causâ per Vice-cancellarium, Lectorem ejusdem Lectionis, & Procuratores, & eorum singulos approbandâ. Vet. Stat. Lib. Sen. Proc. Fol. 22. b.

3. Decretum est ut qui ad Magisterii gradum ascensuri sunt Sacramento Juramenti teneantur se quinque integros annos Regentiam retenturos. Eliz. Stat. Cap. vii.

4. Insuper statuimus quod quilibet Baccalaureus in quâcunque facultate ad Incipiendum coram Universitate licentiam petiturus, antequam eam obtineat, juret simpliciter se hic infra annum Incepturum, si ipsum incipere contingat; cautionemque super hanc rem sufficientem præstabit. Vet. Stat. Fol. 34. a. Lib. Jun. Proc.

Vet. Stat.
Fol. 48. a.
Lib. Jun.
Proc.

5. Inhibemus præterea virtute juramenti, nè quis per se vel per interpositam personam pro voce dandâ aut non dandâ in electione Procuratorum pecuniam ullam, vel rem aliam aut dabit aut accipiet, nec promissionem, seu pactum ut quis promoveatur, aut officium vel beneficium aliquod pro hujusmodi voce dandâ vel non dandâ consequatur, faciet accipietve unquam; quòd si quisquam aliquem in his culpabilem noverit, Cancellario seu Procuratoribus, aut eorum vices gerentibus quàm potest celerrimè revelabit.

Vet. Stat.
Lib. Sen.
Proc. Fol.
15. a.

6. Item statutum & ordinatum est, ne quisquam in quâcunque facultate in aliquâ Procuratorum electione posthac vocem dare præsumat, nisi & suum & illius cui vocem dare voluerit Prænomen & Cognomen propriâ manu inscribat, nec ullo pacto suum votum compromittere attentet.

Vet. Stat.
Eliz. Stat.
Vet. Stat.
Lib. Sen.
Proc. Fol.
44. a.

7. Singulos insuper, &c. *ut in Admis. A. B.*

8. Omnes quorum, &c. *ut ibid.*

9. Denique statuimus & ordinamus quod quilibet Graduatus dum moram traxerit in nostro municipio, habitum habeat de proprio gradui suo competentem, quo publicis supplicationibus, sermonibus ad Clerum, Versariis quoque atque Inceptionibus illius facultatis, cujus est Scholaris, interesse strictius obligetur.

Vet. Stat.

10. Postremò Statutis, &c. *ut ibid.*

Jurabis quòd hæc omnia, &c. *ut ibid.*

Ex Decret.
Academ.
1683.

Jurabis quòd in Bibliothecam publicam admissus nihil quod ad ipsam pertinet sciens volens corrumpes, aut imminues, nullum librum permutabis, auferesve, aut ipse per te, aut per alium quemvis, nisi eo modo, iisque conditionibus, quæ per Universitatis Decreta requiruntur: Quòdque sis jure isto tuo sincerè & bona fide usurus, atque omnino ita ut (quantum in te est) nihil inde accrescat Bibliothecæ damni, Ita te Deus adjuvet & hæc sancta Dei Evangelia.

STATUTA legenda in Admissione Baccalaureorum in Medicinâ, &c.

Stat. Eliz.
Cap. xv.

Medicinæ studiosus sex annos rem medicam discet ejus Lectionis auditor assiduus; Anatomias duas videat, semel respondeat, semel opponat, antequam Baccalaureus fiat.

Vet. Stat.
Lib. Sen.
Proc. Fol.
25. a.

Volumus, & admittendos coarctamus, nè quis infra limites hujus Universitatis publicè vel privatim tanquam Practicator in ista Facultate se intromittat; nisi hic vel alibi in Medicina rexerit, vel ad legendum licentiatus fuerit, seu per aliquem hic in Medicina Regentem, ut idoneus, D. Cancellario, seu ejus vices gerenti fuerit præsentatus.

Insuper

Insuper, ut in istiusmodi Admissionibus quisque tam ad legendum Vet. Stat. quam ad practicandum per duos terminos infra biennium in ista Univer- ibidem. sitate se Lecturum juret, sub pœna * tredecim solidorum & quatuor denariorum communi cistæ infra dictum biennium solvendorum. * 20's. in the Proctor's Book.

Singuli qui hîc Gradum aliquem subituri sunt, astrictos & devinctos Vet. Stat. esse se intelligant, &c. ut in Admis. A. B.

Omnes quorum, &c. ut ibid.

Stat. Eliz.

Quilibet Graduatus dum moram traxerit in nostro municipio, habitum Vet. Stat. habeat de proprio, Gradui suo competentem, quo Inceptionibus illius Facultatis cujus est Scholaris interesse poterit.

Postremò, Statutis, &c. ut ibid.

Vet. Stat.

Jurabis quòd hæc omnia, &c. ut ibid.

Jurabis quòd in Bibliothecam, &c. ut in Admis. A. M.

Ex Decret.
Academ.
1683.

STATUTA legenda in Admissione Inceptorum in Medicina, &c.

Baccalaureus Medicinæ respondebit bis, semelque opponet, Anato- Stat. Eliz. mias duas ad minimum videbit, antequam admittatur ad Doctora- Cap. xvii. tum Medicinæ.

Magister Artium septennium rei Medicæ dans operam, postquam bis Stat. Eliz. Doctori in eadem Facultate responderit, semelque opposuerit publicè, Cap. xviii. poterit fieri Doctor Medicinæ, * sic tamen quòd ejus notitia ab omnibus * Vet. Stat. f. 32. b. Lib. Jun. Proc. Magistris illius Facultatis approbetur.

Quilibet Baccalaureus in quacunque Facultate ad Incipiendum licen- Vet. Stat. tiam petiturus, antequàm eam obtineat, juret se hîc infra annum Incep- Lib. Sen. turum, si ipsum Incipere contingat, cautionemque super hanc rem suffi- Proc. Fol. cientem præstabit. 32. a.

Nemo per se, — in Electione aliquâ, &c. ut in Admis. A. M.

Vet. Stat.

Nemo in aliqua Electione, &c. ut ibid.

Vet. Stat.

Singuli qui hîc Gradum aliquem subituri sunt, astrictos & devinctos Vet. Stat. esse se intelligant, &c. ut in Admis. A. B.

Omnes quorum, &c. ut ibid.

Stat. Eliz.

Quilibet Graduatus, &c. ut in Admis. M. B.

Vet. Stat.

Postremò, Statutis, &c. ut in Admis. A. B.

Vet. Stat.

Jurabis quòd hæc omnia, &c. ut ibid.

Jurabis quod in Bibliothecam, &c. ut in Admis. A. M.

Ex Decret.
Acad. 1683.

*STATUTA legenda in Admissione Baccalaureorum in
Jure Civili, &c.*

Stat. Eliz.
Cap. xii.

QUI à primo in Academiam adventu Legibus operam dabit primum annum Integrum Institutionum Lectioni Domi suæ impendat: deinde quinquennium totum publicum Juris Prælectorem audiat: respondebit publicè semel Professori aut alicui Doctori ejusdem facultatis, antequam fiat Baccalaureus Juris. Qui fuerit antè Baccalaureus Artium quatuor annorum studio poterit Juris esse Baccalaureus, si ordine præscripto responderit.

Vet. Stat.
Lib. Sen.
Proc. Fol.
26. b.

Quilibet, five is Doctor sit, five in Jure Civili Baccalaureus, quâcunque horâ sit Lecturus, in Scholis propriis hujus Universitatis Legere teneatur, & easdem conducere, nisi eadem Scholæ pro eadem hora ab alio Lectore occupatæ fuerint & conductæ.

Vet. Stat:

Singuli qui hîc Gradum aliquem subituri sunt, astrictos & devinctos esse se intelligant, &c. *ut in Admis. A. B.*

Stat. Eliz.

Omnes quorum, &c. *ut ibid.*

Vet. Stat.

Quilibet Graduatús, &c. *ut in Admis. M. B.*

Vet. Stat.

Postremò, Statutis, &c. *ut in Admis. A. B.*

Jurabis quod hæc omnia, &c. *ut ibid.*

Ex Decret.
Academ.
1683.

Jurabis quod in Bibliothecam, &c. *ut in Admis. A. M.*

STATUTA legenda in Admissione Inceptorum in Jure Civili, &c.

Stat. Eliz.
Cap. xiii.

LEgum Baccalaureus Regium in Jure Professore audiat quinquennium: respondebit hoc tempore bis in suis Scholis, opponet semel: & cooptabitur Doctor.

Ibidem.

Magister Artium septennium dans operam Legibus, & cæteris perfunctus quæ hîc requiruntur, poterit cooptari inter Legum Doctores.

Vet. Stat.

Quilibet Baccalaureus, &c. *ut in Admis. M. D.*

Vet. Stat.

Nemo per se, — in Electione aliqua, &c. *ut in Admis. A. M.*

Vet. Stat.

Nemo in aliqua Electione, &c. *ut ibid.*

Vet. Stat.

Singuli qui hîc Gradum aliquem subituri sunt, astrictos & devinctos esse se intelligant, &c. *ut in Admis. A. B.*

Stat. Eliz.

Omnes quorum, &c. *ut ibid.*

Vet. Stat.

Quilibet Graduatús, &c. *ut in Admis. M. B.*

Vet. Stat.

Postremò, Statutis, &c. *ut in Admis. A. B.*

Jurabis quod hæc omnia, &c. *ut ibid.*

Ex Decret.
Academ.
1683.

Jurabis quod in Bibliothecam, &c. *ut in Admis. A. M.*

STATUTA legenda in Admissione Baccalaureorum in Theologia, &c.

MAgister Artium sedulus erit Theologicæ atque Hebraicæ Lectio-
 nis auditor, quibus rebus annorum septem dabit operam, quo
 spatio bis disputabit contra Theologiæ Baccalaureum, semelque post
 quartum annum respondebit in Theologia, concionabitur Latine semel,
 & semel Anglicè in Academia Templo, & semel ad Crucem vel in Tem-
 plo D. Pauli, infra annum post gradum susceptum, si legitime vocatus
 fuerit, & justâ causâ non impediatur; * *Et semel apud Burwell ad assigna-*
tionem D. Vicecancellarii. Et si hoc in tempore in Theologia profecerit,
 per solennem inaugurationem Baccalaureus fiat. * Si quis cupiens coop-
 tati in ordinem Baccalaureorum Theologiæ, non responderit, nec oppo-
 fuerit secundum ordinem superscriptum, is nihilominus poterit Baccalau-
 reus fieri Theologiæ, si semel Doctori responderit.

Eliz. Stat. .
 Cap. viii.

* Vet. Stat. Fol.
 102. b. Lib.
 Jun. Proc.

* Eliz. Stat.
 Cap. x.

Nullus ad interpretandum Canonicas Epistolas admittatur, nisi in sacris
 ordinibus initiatus, & infra eòsdem constitutus, præsentetur Universitati
 post festum D. Barnabæ, & citra festum translationis * S. Martini.

Vet. Stat.
 Lib. Sen.
 Proc. Fol.
 28. b.

* *Thomæ Martyris, in the Proctor's Book.*

Singuli qui hîc Gradum aliquem subituri sunt, astrictos & devinctos esse
 se intelligant, &c. *ut in Admis. A. B.*

Vet. Stat.

Omnes quorum, &c. *ut ibid.*

Stat. Eliz.

Quilibet Graduat, &c. *ut in Admis. M. B.*

Vet. Stat.

Postremò, Statutis, &c. *ut in Admis. A. B.*

Vet. Stat.

Jurabis quòd hæc omnia, &c. *ut ibid.*

Jurabis quòd in Bibliothecam, &c. *ut in Admis. A. M.*

Ex Decret.
 Academ.
 1683.

STATUTA legenda in Admissione Inceptorum in Theologia, &c.

Theologiæ Baccalaureus Theologicæ lectionis sedulus erit auditor:
 in quæstionibus Theologicis bis opponet, semel respondebit, idque
 Doctori si commodè fieri poterit: Latine semel, Anglicè semel concio-
 nabitur in Academia Templo, & semel ad Crucem vel in Templo D. Pauli,
 infra annum à gradu suscepto, si legitime vocatus fuerit, & justâ causâ
 non impediatur. Quinquennium post Baccalaureatum susceptum, in The-
 ologia progressus, poterit vocari in Ordinem Doctoris, & * *post solen-*
nem inceptionem semel infra annum quæstionem ipse sibi proponere tenebitur
in publicis Scholis, cujus ambigua & dubitationes in utramque partem enu-
cleabit, definiet & determinabit. Si quis cupiens cooptari in Ordinem
 Doctorum Theologiæ, non responderit nec opposuerit secundum ordinem
 præscriptum, is nihilominus poterit esse Doctor, modò quinquennium
 compleverit

Stat. Eliz.
 Cap. x.

* Stat. Eliz.
 Cap. xi.

compleverit post gradum Baccalaureatûs, si semel Doctori responderit, & unam concionem ad Clerum habuerit in Academia Templo ante ejus Admissionem, & alteram ad Crucem vel in Templo D. Pauli infra annum sequentem.

- Vet. Stat. Nemo per se, — in Electione aliquâ, &c. *ut in Admis. A. M.*
 Vet. Stat. Nemo in aliqua Electione, &c. *ut ibid.*
 Vet. Stat. Singuli qui hîc Gradum aliquem subituri sunt, astrictos & devinctos esse se intelligant, &c. *ut in Admis. A. B.*
 Stat. Eliz. Omnes quorum, &c. *ut ibid.*
 Vet. Stat. Quilibet Graduatûs, &c. *ut in Admis. M. B.*
 Vet. Stat. Postremò, Statutis, &c. *ut in Admis. A. B.*
 Jurabis quòd hæc omnia, &c. *ut ibid.*
 Ex Decret. Jurabis quod in Bibliothecam, &c. *ut in Admis. A. M.*
 Academ.
 1683.

F I N I S.

E R R A T A.

Page 19. Line 28. for *eadem* read *eadem*. p. 28. l. 42. after which add *latter*. p. 35. l. 21. f. ΑΠΟΔΕΙΞΕΙΣ r. ΑΠΟΔΕΙΞΕΙΣ. p. 38. l. 10. f. IX. r. XIX. p. 41. l. 17. after Power add [;] and dele it after Parliament. p. 47. l. 36. f. Vice-Chancellor r. Chancellor. p. 47. l. 2. dele second *that*. p. 51. l. 15. f. *mean* r. *means*. p. 59. l. 2. f. *Fast* r. *Affertion*.